

Chapter 285A

2003 EDITION

Economic Development I

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GENERAL PROVISIONS

285A.010 Definitions for ORS chapters 285A, 285B and 285C. As used in ORS chapters 285A, 285B and 285C, unless the context requires otherwise:

(1) "Commission" means the Oregon Economic and Community Development Commission.

(2) "Community" means an area or locality in which the body of inhabitants has common economic or employment interests. The term is not limited to a city, county or other political subdivision and need not, but may be, limited by political boundaries.

(3) "Department" means the Economic and Community Development Department.

(4) "Director" means the Director of the Economic and Community Development Department.

(5) "Distressed area" means a county, city, community or other geographic area that is designated as a distressed area by the department, based on indicators of economic distress or dislocation, including but not limited to unemployment, poverty and job loss.

(6) "International trade" means the export and import of products and services and the movement of capital for the purpose of investment.

(7) "Rural area" means an area located entirely outside of the acknowledged Portland Metropolitan Area Regional Urban Growth Boundary and the acknowledged urban growth boundaries of the cities of 30,000 or more in population, including Albany, Bend, Corvallis, Eugene, Springfield, Salem, Keizer or Medford.

(8) "Rural community" means a community located in a rural area.

(9) "Traded sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists. [Formerly 285.001; 1999 c.509 §1; 2003 c.114 §1]

285A.020 Legislative findings; declaration of policy and economic strategy. (1) The Legislative Assembly finds that:

(a) Oregon's economy continues to experience change and adjustment that greatly affect the well-being of its citizens.

(b) The state has a need for continuing economic development to help provide the jobs for its citizens that lead to community vitality and a high quality of life.

(2) The Legislative Assembly further finds that:

(a) Oregon's human resources constitute a major asset in the state's effort to promote economic expansion and improvement.

(b) Oregon's natural resources provide ample opportunities for productive and beneficial economic enterprise.

(c) Oregon's location on the growing economy of the Pacific Rim provides substantial opportunities and challenges in international trade.

(d) Oregon's special heritage, its respect for and cultivation of its environment and its quality of life are a unique and sustaining virtue that will both guide and assist in maintaining the state's economic health.

(3) It is the purpose of ORS chapters 285A, 285B and 285C to promote the improvement of Oregon's economy to better provide for the well-being of its citizens. To that end, the Economic and Community Development Department shall invest resources in accordance with the following principles:

(a) Structures and processes for making public investments and dealing with local and regional issues must be designed flexibly so that actions can adapt to the constantly changing conditions and demands under which communities and businesses operate.

(b) Partnerships among local, state and federal, public and private players should be used to set direction, develop projects and set priorities.

(c) The expected impact of public investments at all levels should be explicitly identified, in terms of measurable outcomes, whenever possible.

(d) State, federal and community goals, constraints and obligations should be identified at the beginning of the public investment planning process, and the state should work actively with communities and regions to accomplish their mutual objectives.

(4) The Legislative Assembly declares that it is the immediate economic strategy of the state to:

(a) Focus on Oregonians in communities that are rural, economically distressed or lack diverse employment opportunities, including providing assistance in recruiting jobs from outside the community or state and financing necessary infrastructure;

(b) Assist Oregonians who are underemployed or in low income jobs;

(c) Assist start-up companies and companies already doing business in Oregon;

(d) Help regions that are committed to making strong progress toward an integrated structure and process for strategic planning and project development; and

(e) Focus on strategies and investments that maximize the economic benefit to the state of the global shift to an information, science and technology driven economy and

on industries and companies that make significant use of the high-capacity telecommunications, science and technology-related manufacturing processes or knowledge transfer typical of these emerging economic sectors. [Formerly 285.005; 1999 c.509 §2; 2001 c.883 §1b]

ADMINISTRATION (Commission)

285A.040 Oregon Economic and Community Development Commission; appointment; confirmation; qualifications of members; term; compensation and expenses; presiding officer; quorum; meetings; effect of vacancy. (1) There is established the Oregon Economic and Community Development Commission consisting of five members appointed by the Governor, subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565. The Governor shall appoint members of the commission in compliance with all of the following:

(a) Members shall be appointed with due consideration given to representation of the different geographic regions of the state, and at least one member shall be a resident of the area east of the Cascade Range.

(b) Not more than three members shall belong to one political party. Party affiliation shall be determined by the appropriate entry on official election registration cards.

(c) At least one member shall be an individual with substantial experience or training in international trade or an individual who, at the time of appointment, is involved in international trade. Such experience or involvement in international trade may include importing or exporting goods into or from the State of Oregon.

(2) The term of office of each member is four years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

(3) A member of the commission is entitled to compensation and expenses as provided by ORS 292.495.

(4) The Governor shall appoint one of the commissioners as presiding officer of the commission. The presiding officer shall have such duties and powers as the commission determines are necessary for the office.

(5) Three members of the commission constitute a quorum for the transaction of business.

(6) The commission shall meet at least quarterly at a time and place determined by the commission. The commission shall also meet at such other times and places as are specified by the call of the presiding officer or of a majority of the commission.

(7) No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission. If the commissioners are unable to agree, the Governor shall have the right to vote as a member of the commission. [Formerly 285.009; 1999 c.509 §3]

285A.045 Duties and functions of commission. (1) As its primary duty, the Oregon Economic and Community Development Commission shall develop and maintain an economic and community development policy for this state that implements the strategy declared in ORS 285A.020 (4) and that includes policies that:

(a) Maintain and create jobs that raise real wage levels of Oregon workers.

(b) Increase the skill levels of the Oregon workforce.

(c) Improve the competitiveness of this state's traded sector industries, including industries characterized by significant use of high-capacity telecommunications, science and technology-related manufacturing processes or knowledge transfer, and achieve benchmarks for those industries established by the Oregon Progress Board.

(d) Invest public moneys in a manner that produces the greatest possible return on investment.

(e) Support statewide and regional strategies to develop and maintain the infrastructure necessary to support and strengthen the economy of this state.

(f) Identify and eliminate barriers that impede the competitiveness of Oregon businesses.

(g) Encourage expansion of existing Oregon businesses and the attraction of new business and industry to those communities that desire such development, with particular attention to industries characterized by significant use of high-capacity telecommunications, science and technology-related manufacturing processes or knowledge transfer.

(h) Encourage investment in infrastructure projects, including electronic, communications and financial resource projects, that benefit Internet-based entities and employees and encourage the entities and employees to relocate to or remain in Oregon.

(i) Assist in the development of microenterprise businesses in Oregon, including increasing the availability of training and

technical assistance available to serve microenterprises.

(2) It is the function of the Oregon Economic and Community Development Commission to establish the policies for economic and community development in this state in a manner consistent with the policies and purposes set forth in this section and ORS 285A.050. In addition, the commission shall perform any other duty vested in it by law.

(3) The commission shall keep complete and accurate records of all the meetings, transactions and business of the commission at the office of the Economic and Community Development Department.

(4) The commission shall set policy for and monitor programs relating to economic development and rural and community development and such other programs related to economic and community development that may be assigned by law to the department.

(5) In carrying out its duties under subsection (1) of this section, the commission shall:

(a) Place priority on those policies that achieve benchmarks established by the Oregon Progress Board; and

(b) Coordinate its activities with the policies of the Education and Workforce Policy Advisor and the policymaking bodies of the Housing and Community Services Department, the Department of Transportation, the Department of Environmental Quality, the Department of Land Conservation and Development and the Employment Department, as well as other appropriate state and federal agencies. [Formerly 285.011; 1999 c.509 §4; 2001 c.174 §1; 2001 c.419 §7; 2001 c.883 §1c]

285A.050 Annual report; content; exercise of commission powers. (1) The Oregon Economic and Community Development Commission shall report annually to the Governor and the Legislative Assembly on the success of economic development efforts. The report, at a minimum, shall include the following:

(a) For the overall Economic and Community Development Department effort and for each identifiable program and significant project or service:

(A) The impact of that program on the competitiveness of traded sector industries and the skill levels of the Oregon workforce;

(B) The impact on the number of jobs, including jobs created and retained;

(C) The impact on the wage levels of Oregon workers, including increases in wage levels;

(D) The actual or anticipated impact of public investments at all levels, in terms of measurable outcomes wherever possible; and

(E) The impact of that program on the Internet-based entities and employees in Oregon.

(b) The status of the Oregon economy related to:

(A) Changes in employment and wage levels in Oregon industries;

(B) Changes in employment, wage levels and competitiveness of traded sector industries; and

(C) Barriers that have been identified as impeding business competitiveness and productivity in this state.

(c) Progress made toward achievement of the Oregon Benchmarks.

(d) Recommendations for removing identified barriers and additional suggestions for improving the performance of Oregon's economy.

(e) Recommendations on this state's investment in its public ports, on this state's response to policy issues that affect ports and for the strategic development of port facilities that promote maritime commerce, recreational opportunities and the economy of Oregon.

(f) Progress made toward elimination of economically distressed areas of this state.

(g) Recommendations regarding improving the international competitiveness of Oregon.

(h) Progress made in serving microenterprise businesses and recommendations for increasing the success of microenterprises.

(2) Whenever a power is granted to the commission, the power may be exercised by such officers, employees or commission-appointed committees as are designated in writing by the commission.

(3) Reports to the Legislative Assembly required under this section shall be made in accordance with ORS 192.245. [Formerly 285.013; 1999 c.509 §5; 2001 c.174 §2; 2001 c.419 §8; 2003 c.773 §1; 2003 c.800 §6]

285A.055 Prerequisites for certain commission actions. Prior to the approval of bond financing of economic development projects under ORS 285B.320 to 285B.371, the making of a loan under ORS 285A.666 to 285A.732 or the making of any loan or the granting of any moneys from any source, the Oregon Economic and Community Development Commission shall:

(1) Determine that the action is cost effective, considering both major public expenses and major public benefits;

(2) Find that the project will produce goods or services which are sold in markets for which national or international competition exists or, if the project is to be con-

structed and operated by a nonprofit organization, that the project will not compete with local for-profit businesses;

(3) Determine that the action is the best use of the moneys involved, considering other pending applications for those moneys;

(4) Find that the project involved is consistent with the Economic and Community Development Department's comprehensive policy and programs;

(5) Find that the project involved is consistent with applicable adopted local economic development plans; and

(6) Provide for public notice of, and public comment on, the action. [Formerly 285.025; 1999 c.509 §6; 2001 c.883 §2]

285A.060 Advisory and technical committees. (1) To aid and advise the Oregon Economic and Community Development Commission in the performance of its duties, the commission may establish such advisory and technical committees as it considers necessary. Such committees may be continuing or temporary. The presiding officer of the commission shall determine the representation, membership, terms and organization of the committees and shall appoint their members. Members shall be appointed with due consideration given to the geographic representation described in ORS 285A.040 (1). The Director of the Economic and Community Development Department, or designee, shall be an ex officio member of each committee.

(2) Members of the committees appointed pursuant to this section shall receive no compensation, but may receive payment for their actual and necessary travel and other expenses while engaged in the performance of their official duties. [Formerly 285.030]

(Department)

285A.070 Economic and Community Development Department; organization; director; confirmation; duties. (1) The Economic and Community Development Department is continued, but reorganized as provided in this section.

(2) The Economic and Community Development Department shall be organized by the Director of the Economic and Community Development Department in whatever manner the director considers necessary to conduct the work of the department efficiently and effectively, subject to approval by the Oregon Economic and Community Development Commission.

(3) The department shall be under the supervision of the director, who shall be appointed by and shall hold office at the pleasure of the Governor.

(4) The appointment of the director shall be subject to confirmation by the Senate in the manner provided by ORS 171.562 and 171.565.

(5) The director may appoint all subordinate officers and employees of the department and may prescribe their duties, assignments and reassignments and fix their compensation, subject to any applicable provisions of the State Personnel Relations Law. Subject to any other applicable law regulating travel expenses, the officers and employees of the department shall be allowed such reasonable and necessary travel and other expenses as may be incurred in the performance of their duties.

(6) The Oregon Economic and Community Development Commission shall report periodically to the Governor on the director's performance and make appropriate recommendations. [Formerly 285.033; 1999 c.509 §7]

285A.075 Purpose of department; duties; rules; contract authority; water system assistance. (1) The Economic and Community Development Department, through research, promotion and coordination of activities in this state, shall foster the most desirable growth and geographical distribution of agriculture, industry and commerce in the state. The department shall serve as a central coordinating agency and clearinghouse for activities and information concerning the resources and economy of the state.

(2) The department shall have no regulatory power over the activities of private persons. Its functions shall be solely advisory, coordinative and promotional.

(3) The department shall administer the state's participation in the federal Community Development Block Grant funding program authorized by 42 U.S.C. 5301 et seq.

(4) In order to accomplish the purposes of ORS chapters 285A, 285B and 285C and ORS 329.905 to 329.975, the department may expend moneys duly budgeted to pay the travel and various other expenses of industrial or commercial site location agents, film or video production location agents, business journal writers, elected state officials or other state personnel whom the Director of the Economic and Community Development Department determines may promote the purposes of this subsection.

(5) In accordance with applicable provisions of ORS chapter 183, the department may adopt rules necessary for the administration of laws that the department is charged with administering.

(6) ORS 276.428, 279.021, 279.310 to 279.323, 279.334, 279.336, 279.338, 279.348 to 279.363, 279.365, 279.545 to 279.650, 279.712,

279.826, 282.020, 282.050, 282.210, 282.220, 282.230, 283.140, 653.268 and 653.269 do not apply to the department's operation of foreign trade offices outside the state.

(7) Notwithstanding ORS 279.712, the department may enter into contracts for personal services as necessary or appropriate to carry out the duties, functions and powers vested in the department by law.

(8)(a) The department may contract directly with the Oregon Downtown Development Association, or its successor entity, to provide downtown development and redevelopment assistance and similar services to municipalities in Oregon.

(b) The department may contract directly with Rural Development Initiatives, or its successor entity, to provide training, technical assistance, planning assistance and other support and services to municipalities in Oregon to build economic and community development capacity.

(c) Contracts entered into under this subsection are exempt from the requirements of ORS chapter 279.

(9) If the director determines that moneys are available, the department may transfer funds from the Special Public Works Fund created under ORS 285B.455 or from the Water Fund established under ORS 285B.563 to a state agency to provide financial assistance in the delivery of technical assistance or other services to one or more water systems for evaluation of water quality or services or for planning the improvement of water quality or services. The department may structure the financial assistance under this subsection in the form of an interagency grant or loan or in any other manner the director considers necessary or appropriate. [Formerly 285.035; 2001 c.883 §3]

Note: The amendments to 285A.075 by section 235, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

285A.075. (1) The Economic and Community Development Department, through research, promotion and coordination of activities in this state, shall foster the most desirable growth and geographical distribution of agriculture, industry and commerce in the state. The department shall serve as a central coordinating agency and clearinghouse for activities and information concerning the resources and economy of the state.

(2) The department shall have no regulatory power over the activities of private persons. Its functions shall be solely advisory, coordinative and promotional.

(3) The department shall administer the state's participation in the federal Community Development Block Grant funding program authorized by 42 U.S.C. 5301 et seq.

(4) In order to accomplish the purposes of ORS chapters 285A, 285B and 285C and ORS 329.905 to 329.975, the department may expend moneys duly budgeted to pay the travel and various other expenses of industrial or commercial site location agents, film or video production location agents, business journal writers, elected state officials or other state personnel whom the Director of the Economic and Community Development Department determines may promote the purposes of this subsection.

(5) In accordance with applicable provisions of ORS chapter 183, the department may adopt rules necessary for the administration of laws that the department is charged with administering.

(6) ORS 276.428, 279A.120, 279A.140, 279A.155, 279A.275, 279B.025, 279B.235, 279B.270, 279B.280, 279C.370, 279C.500 to 279C.530, 279C.540, 279C.545, 279C.800 to 279C.870, 282.020, 282.050, 282.210, 282.220, 282.230, 283.140, 459A.475, 459A.490, 653.268 and 653.269 do not apply to the department's operation of foreign trade offices outside the state.

(7) Notwithstanding ORS 279A.140, the department may enter into contracts for personal services as necessary or appropriate to carry out the duties, functions and powers vested in the department by law.

(8)(a) The department may contract directly with the Oregon Downtown Development Association, or its successor entity, to provide downtown development and redevelopment assistance and similar services to municipalities in Oregon.

(b) The department may contract directly with Rural Development Initiatives, or its successor entity, to provide training, technical assistance, planning assistance and other support and services to municipalities in Oregon to build economic and community development capacity.

(c) Contracts entered into under this subsection are exempt from the requirements of ORS chapters 279, 279A, 279B and 279C.

(9) If the director determines that moneys are available, the department may transfer funds from the Special Public Works Fund created under ORS 285B.455 or from the Water Fund established under ORS 285B.563 to a state agency to provide financial assistance in the delivery of technical assistance or other services to one or more water systems for evaluation of water quality or services or for planning the improvement of water quality or services. The department may structure the financial assistance under this subsection in the form of an interagency grant or loan or in any other manner the director considers necessary or appropriate.

285A.080 Salaries and expenses of personnel. The Director of the Economic and Community Development Department and all unclassified personnel shall receive such salary as may be provided by law or be fixed by the Oregon Economic and Community Development Commission. In addition to salaries, the director and all unclassified personnel, subject to the limitations otherwise provided by law, shall be reimbursed for all reasonable expenses necessarily incurred in the performance of official duties. [Formerly 285.036]

285A.085 Duties of director; rules. (1) Subject to policy direction by the Oregon Economic and Community Development Commission, the Director of the Economic and Community Development Department shall:

(a) Be the administrative head of the Economic and Community Development Department;

(b) Administer the laws of the state concerning economic development; and

(c) Intervene, as authorized by the commission, pursuant to the rules of practice and procedure, in the proceedings of state and federal agencies which may substantially affect economic development within Oregon.

(2) In addition to duties otherwise required by law and subject to the policy direction by the commission, the director shall prescribe rules for the government of the department, the conduct of its employees, the assignment and performance of its business and the custody, use and preservation of its records, papers and property in a manner consistent with applicable law.

(3) The director may delegate to any of the employees of the department the exercise or discharge in the director's name of any power, duty or function of whatever character vested in or imposed by law upon the director. The official act of any such person so acting in the director's name and by the authority of the director shall be considered to be an official act of the director.

(4) The director shall have authority to require a fidelity bond of any officer or employee of the department who has charge of, handles or has access to any state money or property, and who is not otherwise required by law to give a bond. The amounts of the bond shall be fixed by the director, except as otherwise provided by law, and the sureties shall be approved by the director. The department shall pay the premiums on the bonds. [Formerly 285.038; 1999 c.509 §8]

285A.090 Duties of department; duties of field representatives; foreign trade offices. The Economic and Community Development Department shall:

(1) Implement programs consistent with policies of the Oregon Economic and Community Development Commission.

(2) Provide field representatives in the various geographical regions of the state. The field representatives shall be in the unclassified service and shall receive such salary as may be set by the Director of the Economic and Community Development Department, unless otherwise provided by law. The field representatives shall:

(a) Serve as internal advocates and centralized contacts within state government for businesses seeking to locate or expand in the region and shall guide the businesses through all required processes with state regulatory agencies and local units of government to facilitate and expedite siting or expansion of the businesses within the busi-

nesses' budgets and in an economically viable manner;

(b) Seek assistance and direction from the Governor or a designee of the Governor for resolving issues that have delayed a project in order to ensure that governmental decisions and actions on projects are made in a timely and reasonable manner;

(c) Work with local units of government and the private sector as they establish and carry out economic and community development plans and programs under ORS 280.500;

(d) Establish links with and act as liaisons between businesses seeking to locate or expand in the region and resources within the public and private institutions of higher education in Oregon familiar with technological advancements and grant opportunities;

(e) Serve as liaisons between businesses seeking to locate or expand in the region and appropriate governmental, university, community college and industry representatives to assist and partner with the businesses in their developmental efforts;

(f) Assemble regional rapid response teams that include regional departmental staff and representatives of local governments in the region to work with businesses seeking to locate or expand in the region by facilitating developmental procedures and eliminating obstacles to completion of projects;

(g) Assign specific responsibilities for and monitor progress of rapid response team members toward completion of tasks essential to the achievement of a successful outcome of a project for all parties involved;

(h) Coordinate meetings between businesses seeking to locate or expand in the region and the members of rapid response teams to establish and monitor the adherence to developmental timelines and to ensure satisfaction with services provided;

(i) Deliver to local units of government and the private sector the assistance and services available from the department, including publications, research and technical and financial assistance programs; and

(j) Promote local awareness of department policy and department programs and services and of assistance and economic incentives available from government at all levels.

(3) Process requests received by state agencies and interested parties for information pertaining to industrial and commercial locations and relocations throughout the state.

(4) Consult and advise with, coordinate activities of, and give technical assistance

and encouragement to, state and local organizations, including local development corporations, county, city, and metropolitan-area committees, chambers of commerce, labor organizations and similar agencies interested in obtaining new industrial plants or commercial enterprises.

(5) Act as the state's official liaison agency between persons interested in locating industrial or business firms in the state, and state and local groups seeking new industry or business, maintaining the confidential nature of the negotiations it conducts as requested by persons contemplating location in the state.

(6) Coordinate state and federal economic and community development programs.

(7) Consult and advise with, coordinate activities of, and give technical assistance and encouragement to all parties including, but not limited to, port districts within the state working in the field of international trade or interested in promoting their own trading activity.

(8) Provide advice and technical assistance to Oregon business and labor.

(9) Collect and disseminate information regarding the advantages of developing new business and expanding existing business in the state.

(10) Aid local communities in planning for and obtaining new business to locate therein and provide assistance in local applications for federal development grants.

(11) Work actively to recruit domestic and international business firms to those communities that desire such recruitment.

(12) In carrying out its duties under ORS chapters 285A, 285B and 285C and ORS 329.905 to 329.975, give priority to assisting small businesses in this state by encouraging the creation of new businesses, the expansion of existing businesses and the retention of economically distressed businesses which are economically viable.

(13) Establish and operate foreign trade offices in those foreign countries in which the department considers a foreign trade office necessary using department employees, contracts with public or private persons or a combination of department employees and contractors. Department employees, including managers, who are assigned to work in a foreign trade office shall be in the unclassified service, and the director shall set the salaries of those persons. Foreign trade offices shall provide one or more of the following services:

(a) Work with the private sector to assist them in finding international markets for their goods and services;

(b) Work with local units of government to assist them in locating foreign businesses within their jurisdiction;

(c) Promote awareness in foreign countries of department policy, programs and services and of assistance and economic incentives available from government at all levels; or

(d) Provide other assistance considered necessary by the director. [Formerly 285.050; 1999 c.509 §9; 2001 c.883 §40; 2003 c.773 §1a; 2003 c.800 §7]

285A.095 Priority to be given to distressed areas for financing economic development; compliance review. (1) When providing funding for a project, for a program or for technical assistance, the Economic and Community Development Department shall give priority to counties, cities, communities or other geographic areas that are designated as distressed areas by the Economic and Community Development Department, based on indicators of economic distress or dislocation, including but not limited to unemployment, poverty and job loss.

(2) Prior to defining or designating distressed areas for the purposes of subsection (1) of this section, the Economic and Community Development Department shall consult with other state agencies and with local agencies and officials.

(3) The Economic and Community Development Department shall conduct a review of its compliance with subsections (1) and (2) of this section at least once in each year and shall prepare a report concerning the compliance review. The report shall be incorporated into the annual report of the Oregon Economic and Community Development Commission required by ORS 285A.050. [1997 c.535 §2; 2003 c.773 §1b; 2003 c.800 §8]

285A.100 Directory of Oregon Manufacturers; other publications; Economic Development Publication Account. (1) The Economic and Community Development Department may cause to be published a Directory of Oregon Manufacturers and such other publications relating to the economic development of the state. The cost of such publications shall be fully recovered through the sales thereof.

(2) All revenues derived from the sale of publications of the department shall be deposited in the Economic Development Publication Account, which is hereby established as an account in the General Fund.

(3) The moneys credited to the Economic Development Publication Account under subsection (2) of this section, shall be continuously appropriated exclusively to pay for publication costs of the Economic and Com-

munity Development Department. [Formerly 285.055]

285A.105 Duties of department for Armed Forces of United States. (1) The Economic and Community Development Department shall:

(a) Consult and advise with, coordinate the activities of and give technical assistance to the Armed Forces of the United States and units of local government in this state in carrying out this section and ORS 341.529, 351.642 and 497.006.

(b) Provide, upon request of any one of the Armed Forces of the United States, lists of persons who are qualified to provide technical and commercial services to the Armed Forces of the United States and to enter contracts for the construction, repair and maintenance of military facilities.

(2) Other state agencies shall cooperate with the Economic and Community Development Department and the Armed Forces of the United States in carrying out this section and ORS 341.529, 351.642 and 497.006. [Formerly 285.060; 2003 c.242 §6]

285A.110 Rulemaking; policy role of commission. (1) In accordance with any applicable provisions of ORS chapter 183, the Economic and Community Development Department may adopt such rules consistent with and necessary to carry out the policies established by the Oregon Economic and Community Development Commission and the duties, functions and powers vested by law in the department.

(2) The commission has the power to establish any policy when a statute gives such power to the department. However, the commission may not establish policy when a statute specifically grants policy-making power to a named board, council or commission, without regard to whether that board, council or commission exists within the department. [Formerly 285.065; 2001 c.104 §97]

(Job Development)

285A.112 Mission statement for job development by Economic and Community Development Department. The Oregon Economic and Community Development Commission shall develop a mission statement for the Economic and Community Development Department that gives the highest priority to promoting job development in Oregon by:

(1) Assisting existing companies that desire to expand;

(2) Assisting existing companies that desire to develop new products;

(3) Promoting the commercialization of technology developed at colleges and universities in Oregon;

(4) Recruiting businesses in targeted industries to locate in Oregon;

(5) Providing assistance to communities for local economic development efforts; and

(6) Developing infrastructure for communities that supports local economic development efforts. [2003 c.773 §58 and 2003 c.800 §1]

Note: 285A.112 and 285A.114 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 59, chapter 773, Oregon Laws 2003, and section 2, chapter 800, Oregon Laws 2003, are substantially the same and have been compiled together and provide:

Sec. 59. The Oregon Economic and Community Development Commission shall recommend legislation to the Seventy-third Legislative Assembly to modify ORS 285A.090 to reflect the priorities established under section 58 of this 2003 Act [section 1 in chapter 800, Oregon Laws 2003; both compiled as 285A.112]. [2003 c.773 §59 and 2003 c.800 §2]

285A.114 Regions for job development and community assistance; economic innovation coordination. (1) In consultation with local governments, the Oregon Economic and Community Development Commission shall establish regions for the purpose of job development and community assistance. When establishing the regions, the commission must consider the optimal size for each region that will most effectively facilitate economic development activities in the region. Regions established by the commission do not have to be of the same size or population.

(2) The Director of the Economic and Community Development Department shall provide for economic innovation coordination in the central office, which shall assist the field representatives in:

(a) Establishing contacts between local businesses and universities and community colleges in Oregon to promote the use of the research capacities of these institutions for development of new products; and

(b) Serving as a liaison between the clients of the Economic and Community Development Department and the Oregon Council for Knowledge and Economic Development to promote effective linkage between regional economic development efforts and technological advances in Oregon. [2003 c.800 §4]

Note: See first note under 285A.112.

Note: Section 60, chapter 773, Oregon Laws 2003, provides:

Sec. 60. (1) The Oregon Economic and Community Development Commission shall establish regions for the purpose of job development and community assistance by the Economic and Community Development Department.

ment. When establishing the regions, the commission must consider the optimal size for each region that will most effectively facilitate economic development activities in the region. Regions established by the commission do not have to be of the same size or population.

(2) The Director of the Economic and Community Development Department shall provide for economic innovation coordination in the central office, which shall assist the field representatives in:

(a) Establishing contacts between local businesses and universities and community colleges in Oregon to promote the use of the research capacities of these institutions for development of new products; and

(b) Serving as a liaison between the clients of the Economic and Community Development Department and the Oregon Council for Knowledge and Economic Development to promote effective linkage between regional economic development efforts and technological advances in Oregon. [2003 c.773 §60]

285A.115 [Formerly 285.068; repealed by 1999 c.509 §61]

(International Trade Commission)

285A.125 Legislative findings. The Legislative Assembly finds and declares that the expansion of international trade is vital to the overall growth of the economy of Oregon. [1997 c.700 §1]

Note: 285A.125 to 285A.139 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 285A by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.128 [1997 c.700 §2; repealed by 2003 c.114 §4]

285A.131 International Trade Commission; members; compensation; executive director of international division; staff support. (1) There is established the International Trade Commission consisting of 15 members appointed by the Governor. In appointing members of the commission, the Governor shall appoint some members who represent businesses specializing in international trade and some who represent traded sector industries. The commission shall include:

(a) A member of the Oregon Economic and Community Development Commission;

(b) A member of the State Board of Agriculture;

(c) A member of the board of commissioners of the Port of Portland; and

(d) A representative of the Pacific Northwest International Trade Association.

(2) In addition to the members appointed by the Governor, the President of the Senate shall appoint one member of the Senate and the Speaker of the House of Representatives shall appoint one member of the House of Representatives to serve as nonvoting, ex officio members of the International Trade Commission.

(3) The members of the commission who are appointed by the Governor shall serve on

the commission at the pleasure of the Governor.

(4) The members of the commission who are appointed by the Governor may receive payment for their actual and necessary travel and other expenses as provided in ORS 285A.060.

(5) The Economic and Community Development Department shall provide staff support for the International Trade Commission.

(6) The commission may appoint work groups and task forces as the commission considers appropriate to assist the commission in carrying out the duties of the commission under this section and ORS 285A.133. Work groups and task forces may include individuals who are not members of the commission.

(7) The Director of the Economic and Community Development Department, with the approval of the Governor, shall appoint an executive director of the International Division of the Economic and Community Development Department from a list of candidates submitted by the International Trade Commission. [Formerly 285.071; 1999 c.509 §24; 2001 c.204 §1; 2003 c.114 §2]

Note: See note under 285A.125.

285A.133 Duties and functions of trade commission. The International Trade Commission shall:

(1) Act as an advocate for international trade with Oregon and promote the state's international trade agenda.

(2) Serve as a body to advise governmental bodies, agencies and private persons on the development and implementation of state policies and programs relating to international trade, coordinated with agricultural trade of the State Department of Agriculture, and assist, through the International Division of the Economic and Community Development Department, in the coordination of those activities.

(3) Set policy for and monitor programs relating to and expanding international trade for the International Division of the Economic and Community Development Department.

(4) Recommend changes in state policies and programs relating to international trade to the Director of the Economic and Community Development Department and the Oregon Economic and Community Development Commission. [Formerly 285.073; 2003 c.114 §3]

Note: See note under 285A.125.

285A.136 Biennial report; contents. The International Trade Commission shall prepare and submit to the Governor and to the Legislative Assembly a biennial report on

January 15, 1999, and on January 15 of every other year thereafter. The report shall be incorporated into the annual report of the Oregon Economic and Community Development Commission required by ORS 285A.050. The report required by this section shall include, but not be limited to, the following:

(1) A description of the activities of the International Trade Commission during the two-year reporting period.

(2) Information and data on relevant trade patterns and trends.

(3) Recommendations, including long-range strategic plans and legislative proposals.

(4) An action agenda for the subsequent two years. [1997 c.700 §6; 2003 c.800 §9]

Note: See note under 285A.125.

285A.139 Short title. ORS 285A.131 and 285A.133 shall be known and may be referred to as the International Trade Enhancement Act of 1995. [Formerly 285.069]

Note: See note under 285A.125.

285A.141 Oregon trade representative in China; duties. The Oregon trade representative in China shall promote an increase in exports from Oregon to China and shall:

(1) Assist Oregon businesses in dealing with the regulations and procedures of the government of China.

(2) Arrange for visits to China by Oregon delegations and trade shows.

(3) Communicate with officials, corporations and other persons in China to expand Chinese knowledge of Oregon.

(4) Communicate with officials, corporations and other persons in Oregon to expand knowledge of China in this state.

(5) Facilitate meetings and other contacts between Chinese citizens and organizations and the people and businesses in Oregon.

(6) Promote, in conjunction with the Economic and Community Development Department:

(a) The development of trade; and

(b) The use of Oregon's environmental protection expertise to expand opportunities for Oregon businesses in China. [1999 c.817 §2; 2003 c.563 §1]

Note: 285A.141 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

(Sister States)

285A.143 Sister state committees; membership; term. (1) Upon the request of any legislator, for a sister state relationship in which the State of Oregon participates, a

sister state committee, consisting of up to 21 members each, shall be appointed as described in subsection (2) of this section. The committee shall be named for the sister state for which the committee is created and shall be known as the (name of sister state) Sister State Committee.

(2) Membership of each sister state committee shall include:

(a) The President of the Senate, who shall be cochairperson of the committee;

(b) The Speaker of the House of Representatives, who shall be cochairperson of the committee;

(c) Two members of the Senate, who are not members of the same political party, appointed by the President of the Senate;

(d) Two members of the House of Representatives, who are not members of the same political party, appointed by the Speaker of the House of Representatives;

(e) Four members representing Oregon's business community appointed by the President of the Senate;

(f) Four members representing Oregon's business community appointed by the Speaker of the House of Representatives;

(g)(A) One former member of the Senate appointed by the President of the Senate and one former member of the House of Representatives appointed by the Speaker of the House of Representatives; or

(B) If one of the potential appointees described in subparagraph (A) of this paragraph is not available, two former members of the Legislative Assembly appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

(h) Two public members appointed by the President of the Senate;

(i) Two public members appointed by the Speaker of the House of Representatives; and

(j) If the cochairpersons jointly agree, one elected state official.

(3)(a) The President of the Senate and the Speaker of the House of Representatives may each designate an alternate from time to time from among the members of their respective chambers to exercise powers as a member of the committee when the President or Speaker is not in attendance at a committee meeting, except that an alternate may not preside over a committee meeting in place of the President or Speaker.

(b) The President of the Senate and the Speaker of the House of Representatives shall jointly select one of the members appointed under subsection (2)(e) or (f) of this section to be executive director to plan for

and coordinate activities under ORS 285A.145 (2).

(4)(a) The President of the Senate and the Speaker of the House of Representatives serve on a sister state committee so long as each continues to hold the office of President or Speaker.

(b) A member of the Legislative Assembly appointed under subsection (2)(c) or (d) of this section serves at the pleasure of the appointing authority and may continue to serve as long as the member remains in the chamber of the Legislative Assembly from which the member was appointed. Before the expiration of the legislative term of office of a member appointed under subsection (2)(c) or (d) of this section, the appointing authority shall appoint a successor whose term on the committee begins when the former member's legislative term of office ends. If there is a vacancy for a member appointed under subsection (2)(c) or (d) of this section for any other cause, the appointing authority shall make an appointment to become effective immediately.

(c) The term of office of committee members appointed under subsection (2)(e) to (j) of this section is two years. A member appointed under subsection (2)(e) to (j) of this section is eligible for reappointment. If there is a vacancy for a member appointed under subsection (2)(e) to (j) of this section before the expiration of the term, the appointing authority shall make an appointment to become effective immediately for the unexpired term.

(5) Members of the Legislative Assembly who are members of a sister state committee are entitled to a per diem as provided in ORS 171.072 except when members are out of the United States.

(6) The cochairpersons of a sister state committee shall preside alternately at sister state committee meetings.

(7) A majority of the members of a sister state committee constitutes a quorum for the transaction of business.

(8) The Legislative Administration Committee shall provide administrative staff support for one meeting of the sister state committee held before the visit described in ORS 285A.145 (2) and for one meeting held after the visit.

(9) For the purposes of this section and ORS 285A.145, "sister state" means an international state or province. [2001 c.284 §1; 2003 c.14 §142]

Note: 285A.143 and 285A.145 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.145 Sister state committee duties. If a sister state committee is appointed under ORS 285A.143:

(1) The sister state committee may:

(a) Organize activities for and host visiting delegations from the sister state;

(b) Organize activities for and participate in delegations visiting the sister state and the nation in which the sister state is located;

(c) Provide for the exchange of information between the State of Oregon and the sister state;

(d) Work with representatives of the sister state on joint projects; and

(e) Take all actions necessary to facilitate and promote relations between the State of Oregon and the sister state.

(2) The sister state committee shall visit the sister state at least biennially for the purpose of fulfilling the objectives described in subsection (1) of this section. [2001 c.284 §2]

Note: See note under 285A.143.

(Oregon Progress Board)

285A.150 Policy; legislative findings and statement of purpose. The Legislative Assembly finds that:

(1) The Oregon of the future can provide unparalleled economic opportunities while maintaining Oregon's traditional values if this state pursues its future with clarity of purpose and perseverance.

(2) Oregon is in the midst of massive economic, social and environmental transitions created by technological changes, global competition and changing population demographics. In order to expand economic opportunities while maintaining Oregon's unique quality of life in the face of change, Oregonians must have a vision for their preferred future that spans economic, social and environmental concerns.

(3) An independent Oregon Progress Board is needed to:

(a) Encourage the discussion and understanding among all Oregonians of critical global and national economic, social and environmental trends that will affect Oregon in the coming decades;

(b) Formulate and submit to Oregonians a strategy that describes and explains a vision for Oregon's economic, social and environmental progress for 20 years into the future;

(c) Submit to the Legislative Assembly, for its adoption, goals for Oregon's progress, including measurable indicators of the achievement of those goals, in the manner prescribed in ORS 285A.171; and

(d) Assist state agencies and their partners in developing performance measures that provide linkages to the measurable indicators of achievement in the manner prescribed in ORS 291.110. [1997 c.495 §1; 2001 c.582 §1]

Note: 285A.150 to 285A.168 and 285A.174 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 285A by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.153 Oregon Progress Board; members; terms; compensation. (1) There is established an Oregon Progress Board consisting of the following members:

- (a) The Governor;
- (b) Nine members appointed by the Governor;
- (c) One Senator appointed by the President of the Senate; and
- (d) One Representative appointed by the Speaker of the House of Representatives.

(2)(a) The term of office of each member appointed by the Governor is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 31 next following. A member is eligible for reappointment.

(b) Each legislative member serves at the pleasure of the appointing authority and may serve as long as the member remains in the chamber of the Legislative Assembly from which the member was appointed.

(3)(a) A member of the Oregon Progress Board appointed by the Governor shall be entitled to compensation and expenses as provided in ORS 292.495.

(b) Members of the Legislative Assembly appointed to the Oregon Progress Board shall be entitled to an allowance as authorized in ORS 171.072 from funds appropriated to the Legislative Assembly.

(4) Of the members appointed by the Governor to the board, five shall be selected who are residents of different congressional districts in this state.

(5) Members appointed by the Governor to the Oregon Progress Board shall be appointed so as to be representative of the ethnic, cultural, social and economic diversity of the people of this state.

(6) Members appointed by the legislative appointing authority shall serve as the official liaisons to their respective chambers for the purposes described in ORS 285A.168, 285A.171 and 285A.174. [1997 c.495 §2; 2001 c.582 §2]

Note: See note under 285A.150.

285A.156 Additional nonvoting members of board; advisory functions; payment of expenses. (1) In addition to the members listed in ORS 285A.153, the Oregon Progress Board shall have as members:

(a) The Director of the Oregon Department of Administrative Services, who shall serve as a member ex officio; and

(b) A student selected by the Governor.

(2) The student member of the board shall serve for as long as the member remains a student or at the pleasure of the Governor.

(3) The director and the student member may not vote on matters before the board and may not bind the board with respect to decisions relating to matters described in ORS 285A.162, 285A.165 and 285A.168. The director and the student member shall advise the board concerning the goals, missions and functions of the board.

(4) ORS 285A.153 does not apply to the members of the board serving under this section. However, the director and the student member may receive actual and necessary expenses actually incurred in the performance of their duties as board members as provided in ORS 292.495 (2). [1997 c.495 §4]

Note: See note under 285A.150.

285A.159 Officers; quorum; meetings; staff. (1) The Governor shall serve as chair of the Oregon Progress Board and may appoint an executive officer for the board for a term and with such duties and powers as the board determines to be necessary or appropriate.

(2) A majority of the voting members of the board constitutes a quorum for the transaction of business.

(3) The board shall meet as the board determines necessary at times and places specified by call of the chair or a majority of the members of the board.

(4) The Oregon Department of Administrative Services shall provide clerical, technical and management personnel to the board to serve as the board's staff. [1997 c.495 §5; 2001 c.582 §3]

Note: See note under 285A.150.

285A.162 Strategy for Oregon's future; participation of public in development of strategy; adoption of strategy; periodic revision. (1) The Oregon Progress Board shall develop a strategy for Oregon that addresses the economic, social, cultural, environmental and other needs and aspirations of the people of Oregon.

(2) The strategy developed by the Oregon Progress Board shall address issues that the board determines are necessary and appro-

appropriate to Oregon's future. Such issues shall include:

- (a) Education and workforce.
- (b) Public and private cooperation.
- (c) Environmental quality.
- (d) Infrastructure.
- (e) Funding and taxation.
- (f) Social well-being.

(g) Such other issues as the board, by majority vote, shall add to the strategy.

(3) When developing the strategy, the Oregon Progress Board shall hold public hearings, public meetings and workshops as needed to ensure the participation of a broad cross section of Oregon's population. The board shall publicize the public hearings, public meetings and workshops in each city in which they are held and shall allow interested residents and other individuals to appear and be heard by the board.

(4) After considering any written comments and public testimony relating to the proposed strategy, the board shall revise the strategy as it considers necessary or appropriate. The board, by a vote of a majority of its members, shall approve and adopt a final strategy. The board shall submit, in addition to its adopted strategy, a summary and digest of comments and public testimony and its response, if any, to those comments. The adopted strategy shall be submitted to the Seventy-third Legislative Assembly not later than March 15, 2005, and every eight years thereafter. [1997 c.495 §6; 2001 c.582 §4]

Note: See note under 285A.150.

285A.165 Board recommendation of statutory and policy changes; local assistance. As a part of the strategy adopted under ORS 285A.162, the Oregon Progress Board shall also recommend statutory or other policy changes, including modifications in public fiscal policies and other implementing actions to be carried out by state and local governments, businesses, private citizens and other organizations. Board staff shall assist local communities, wherever possible, in developing plans and measures of success to achieve the goals established under ORS 285A.162. [1997 c.495 §7; 2001 c.582 §5]

Note: See note under 285A.150.

285A.168 Goals to measure progress; review and adoption; revision. (1) The Oregon Progress Board shall, in its adopted strategy, include a series of goals for Oregon's progress for 20 years into the future.

(2) Goals shall include such measurable indicators of success (Oregon benchmarks), as the board shall determine, that show the extent to which each goal is being achieved.

(3) Goals shall be reviewed by the Legislative Assembly, which may, by joint resolution, adopt, modify, delete or add to the goals. Any goals adopted by the Legislative Assembly shall become the goals used by the board in its subsequent activities.

(4) After the legislative review and adoption of goals, the board may recommend such modifications to the goals as it considers appropriate. [1997 c.495 §8; 2001 c.582 §6]

Note: See note under 285A.150.

285A.170 Evaluation of sustainability goals; biennial report; contents. The Oregon Progress Board shall evaluate the goals specified in ORS 184.423 and other potential measures, including benchmarks, for effectiveness in measuring progress toward sustainability. The board may consult with the Oregon Department of Administrative Services and other agencies as appropriate to complete the evaluation. The Oregon Progress Board shall include the findings of the evaluation conducted under this section in its report specified by ORS 285A.174. [2001 c.918 §11]

Note: 285A.170 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.171 Guidelines linking performance measures to benchmarks; biennial report. In consultation with the Oregon Department of Administrative Services, the Legislative Fiscal Office and the Secretary of State, the Oregon Progress Board shall establish guidelines, based on best practices, for state agencies to link performance measures to Oregon benchmarks as described in ORS 291.110. As resources allow, the board shall assist agencies in adopting performance measurement frameworks based on achieving results that contribute to the attainment of Oregon benchmark targets and other high-level outcomes of concern to Oregon citizens. At least once per biennium, the board shall report to the Legislative Assembly on state government progress toward developing a system of performance measures as described in ORS 291.110. [Formerly 184.007; 2001 c.582 §7]

Note: 285A.171 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.174 Biennial report; contents. The Oregon Progress Board shall prepare, at least once each biennium, a report that describes Oregon's progress toward achievement of the board's strategy, based on the Oregon benchmarks the board adopts for measuring the attainment of strategic goals. The board shall review the Oregon benchmarks each biennium and make any modifi-

cation necessary to improve the accuracy or comprehensiveness of the measures. The report shall include an analysis of issues and trends of strategic significance and shall propose key steps that Oregon should take over the following two years to build for Oregon's future. The board shall submit the report to the Legislative Assembly for review. [1997 c.495 §9; 2001 c.582 §§]

Note: See note under 285A.150.

(Brownfields Redevelopment Coordinator)

285A.185 Brownfields Redevelopment Coordinator; designation; functions; rules. (1) As used in this section, "brownfield" means real property where expansion or redevelopment is complicated by actual or perceived environmental contamination.

(2) The Economic and Community Development Department shall designate a position of Brownfields Redevelopment Coordinator to assist private persons and local governments to redevelop brownfields.

(3) The Brownfields Redevelopment Coordinator shall:

(a) Act as the primary point of contact for information regarding public and private funding options available to a person interested in redeveloping a brownfield;

(b) Facilitate the funding process involving landowners or prospective purchasers, lending institutions, other state agencies, local jurisdictions, consultants and interested citizens;

(c) Serve as a key advocate for the redevelopment of brownfields in Oregon;

(d) Provide information to private persons and local governments on brownfield redevelopment funding; and

(e) Enhance the availability of funding resources through program development, grant proposals and other appropriate opportunities.

(4) The Economic and Community Development Department shall adopt rules necessary to carry out this section. [1997 c.738 §2; 2001 c.96 §1]

285A.188 Brownfields Redevelopment Fund; definitions; purpose; criteria and priorities for loans and grants; rules. (1) As used in this section:

(a) "Environmental action" means activities undertaken to:

(A) Determine if a release has occurred, if the release poses a significant threat to human health or the environment or if additional remedial actions may be required at the site;

(B) Conduct a feasibility study;

(C) Plan for remedial action or removal; or

(D) Conduct a remedial action or removal at a site.

(b) "Facility," "hazardous substance," "release," "remedial action" and "removal" have the meanings given those terms in ORS 465.200.

(c) "Substantial public benefit" includes, but is not limited to:

(A) The generation of funding or other resources facilitating substantial remedial action at a facility in accordance with this section;

(B) A commitment to perform substantial remedial action at a facility in accordance with this section;

(C) Productive reuse of a vacant or abandoned industrial or commercial facility; or

(D) Development of a facility by a municipality or a nonprofit organization to address an important public purpose.

(2) There is created within the State Treasury a revolving fund known as the Brownfields Redevelopment Fund, separate and distinct from the General Fund. Interest earned by the fund shall be credited to the fund. Moneys in the Brownfields Redevelopment Fund shall be used to fund loans and grants for environmental actions on properties that are brownfields, as defined in ORS 285A.185.

(3)(a) Subject to paragraph (b) of this subsection, when making a loan or grant for an environmental action, the Economic and Community Development Department shall give priority to persons who, at the time of applying for the loan or grant, are not liable under ORS 465.255 for a release of a hazardous substance at the property at which the environmental action is to be conducted. No more than 40 percent of the total amount disbursed from the Brownfields Redevelopment Fund in any biennium shall be awarded to persons who are liable with respect to the subject property under ORS 465.255. A person is not eligible to receive a loan or grant from moneys in the Brownfields Redevelopment Fund if the person has knowingly violated applicable laws or regulations or has knowingly violated or failed to comply with an order of the Department of Environmental Quality, if such action or inaction has resulted in one or more of the following:

(A) Contribution to or exacerbation of existing contamination at the facility;

(B) Release of a hazardous substance at the facility; or

(C) Interference with necessary investigation or remedial actions at the facility.

(b) Notwithstanding paragraph (a) of this subsection:

(A) When making a grant to a municipality, the department shall give priority to municipalities that provide matching funds from a loan under this section, from another source or from both.

(B) When making a grant to an entity that is not a municipality, the department shall require that:

(i) The recipient is not liable for the subject property under ORS 465.255;

(ii) The environmental action provides a substantial public benefit; and

(iii) The recipient provides matching funds from a loan under this section, from another source or from both.

(c) The department may establish by rule circumstances in which the department may waive or subsidize the interest on a short-term loan.

(4) When making a loan or grant for an environmental action, the Economic and Community Development Department shall consider:

(a) The extent to which actual or perceived contamination prevents the property from being fully utilized;

(b) The need for providing public assistance, after considering the difficulty of obtaining financing from other sources or of obtaining financing at reasonable rates and terms;

(c) The degree to which redevelopment of the property provides opportunity for achieving protection of human health or the environment by reducing or eliminating the contamination of the property and for contributing to the economic health and diversity of the area;

(d) The probability of the success of the intended use or the degree to which redevelopment of the property provides a public purpose following remediation of the property;

(e) Compliance with the land use plan of the local government with jurisdiction over the property; and

(f) Endorsement from the local government with jurisdiction over the property.

(5) Before making a loan or grant decision pursuant to this section, the Economic and Community Development Department shall consult with the Department of Environmental Quality.

(6) The Economic and Community Development Department shall adopt rules necessary to carry out the requirements of this section. The Economic and Community Development Department shall develop proce-

dures to ensure that activities for which loans or grants are made are consistent with existing environmental cleanup laws and rules. [1997 c.738 §3; 2001 c.96 §2]

(Advisory Committee on Electronic Product Stewardship)

Note: Sections 1, 2, 3 and 5, chapter 706, Oregon Laws 2003, provide:

Sec. 1. (1) There is created the Advisory Committee on Electronic Product Stewardship within the Economic and Community Development Department. Members shall be appointed by and serve at the pleasure of the Director of the Economic and Community Development Department.

(2) Advisory committee membership shall include, but is not limited to, persons who represent:

(a) Electronic product manufacturers, retailers, consumers or recyclers; and

(b) Public bodies as defined in ORS 174.109, including the Department of Environmental Quality, the Oregon Department of Administrative Services and a metropolitan service district serving a population of more than 500,000 persons.

(3) The responsibilities of the advisory committee shall include, but not be limited to:

(a) Examining the existing infrastructure in this state for reuse and recycling of used electronic products, including reuse and recycling opportunities offered by manufacturers, retailers and local and regional governments and opportunities for donation and reuse of electronic products;

(b) Monitoring the progress of national programs and legislation developed through the National Electronics Product Stewardship Initiative;

(c) Reviewing existing data on the actual impact that used electronic products have on the environment;

(d) Reviewing state and federal environmental regulations that encourage or impede effective reuse and recycling of electronic products and recommending changes if needed;

(e) Exploring the creation of business opportunities and jobs in the area of electronic product recycling infrastructure and state or local financial incentives for developing business opportunities and jobs in the area of electronic product recycling infrastructure;

(f) Developing recommendations for educating consumers and businesses in the area of electronic product recycling; and

(g) Reviewing regional and national guidelines for governmental procurement of environmentally responsible electronic products and how similar guidelines might be used in this state.

(4) The Economic and Community Development Department may accept contributions of funds and assistance from the government of the United States or its agencies or from any other source, public or private, and agree to conditions placed on the funds not inconsistent with the purposes of this section.

(5) A majority of the members of the advisory committee constitutes a quorum for the transaction of business.

(6) Official action by the advisory committee requires the approval of a majority of the members of the advisory committee.

(7) The advisory committee shall elect one of its members to serve as chairperson.

(8) Members of the advisory committee are not entitled to compensation or reimbursement for expenses and serve as volunteers on the advisory committee.

(9) The Economic and Community Development Department shall provide staff support to the advisory committee.

(10) For purposes of this section, "electronic products" means computers, monitors, large and small computer peripherals and televisions. [2003 c.706 §1]

Sec. 2. The Advisory Committee on Electronic Product Stewardship created in section 1 of this 2003 Act shall report its findings and recommendations in the manner provided in ORS 192.245 to the Seventy-third Legislative Assembly no later than January 31, 2005. [2003 c.706 §2]

Sec. 3. (1) The Advisory Committee on Electronic Product Stewardship Fund is established separate and distinct from the General Fund.

(2) All moneys received by the Economic and Community Development Department under section 1 of this 2003 Act shall be deposited in the Advisory Committee on Electronic Product Stewardship Fund to the credit of the Advisory Committee on Electronic Product Stewardship. Such moneys are appropriated continuously to the advisory committee for the purpose of carrying out the provisions of sections 1 and 2 of this 2003 Act. Interest earned by the Advisory Committee on Electronic Product Stewardship Fund shall be credited to the fund.

(3) The advisory committee may not begin carrying out its responsibilities under sections 1 and 2 of this 2003 Act and the department may not provide staff support to the advisory committee until at least \$25,000 has been received by the department from the sources described under section 1 of this 2003 Act and has been deposited into the Advisory Committee on Electronic Product Stewardship Fund. [2003 c.706 §3]

Sec. 5. Sections 1, 2 and 3 of this 2003 Act are repealed on January 2, 2006. [2003 c.706 §5]

(Financial Affairs)

285A.200 Gifts; federal aid; fees for loans. (1) The Economic and Community Development Department may accept gifts of money or other property from any public or private agency or person made for the purpose of assisting the department to carry out any programs or laws that the department is charged with administering. Moneys so received shall be paid into an appropriate fund or account. Property so received shall be used for the purposes for which that property is given.

(2) The department may apply for, receive from the United States or any of its agencies, and disburse or supervise the disbursement of federal aid for the purposes for which the aid is provided. The department may also disburse or supervise the disbursement of funds provided by the State of Oregon for expenditure as a condition of receiving the federal aid.

(3) The department may assess and charge fees for loans made from any of its funds or accounts. [Formerly 285.086; 2001 c.883 §4]

285A.203 Designation of department as agency to obtain financial assistance involving federal port programs. For purposes of the Merchant Marine Act (46 U.S.C. 861 et seq.), the Economic and Community

Development Department shall be the state agency to apply to the Secretary of Commerce for financial assistance to assist ports in achieving compliance with federal law or regulations relating to environmental protection, public health and safety, or port or cargo security. [Formerly 285.090]

285A.206 Department to prepare financial statements; contents. (1) In each calendar year, the Economic and Community Development Department shall prepare, in accordance with generally accepted governmental accounting principles, a financial statement relating to each of the following funds:

(a) The Special Public Works Fund created by ORS 285B.455;

(b) The Title I Bank Fund established by ORS 285A.306;

(c) The Oregon Business Development Fund created by ORS 285B.092;

(d) The Oregon Port Revolving Fund created by ORS 285A.708; and

(e) Any other fund or account that is used by the department or Oregon Economic and Community Development Commission to make loans or loan guarantees or to provide other financial assistance to private business firms organized for profit.

(2) The financial statements required by this section shall record and summarize all the financial transactions during the reporting period that involved moneys credited to a fund or account and shall describe the financial condition of the fund or an account at the end of the reporting period. The reporting period for financial statements required by this section shall be the fiscal year commencing on July 1 and ending on June 30.

(3) The financial statements required by this section shall be in a form prescribed by the Secretary of State.

(4) Each financial statement required by this section shall describe the financial transactions and condition of a single fund and shall be submitted to the Governor, the President of the Senate and the Speaker of the House of Representatives not later than December 31 in each year. [Formerly 285.095; 1999 c.509 §10; 2003 c.167 §10]

285A.209 Economic Development Department Special Events Revolving Fund. There is established in the General Fund of the State Treasury the Economic Development Department Special Events Revolving Fund. Moneys in the revolving fund are continuously appropriated for the purpose of accumulating moneys to pay for special events and cooperative efforts with private corporations and individuals. [Formerly 285.100]

285A.212 [Formerly 285.105; repealed by 1999 c.509 §61]

285A.213 Safe Drinking Water Revolving Loan Fund; administration; sources; purpose. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Safe Drinking Water Revolving Loan Fund. All moneys in the Safe Drinking Water Revolving Loan Fund are continuously appropriated to the Economic and Community Development Department.

(2) The Economic and Community Development Department shall administer the Safe Drinking Water Revolving Loan Fund in accordance with a memorandum of understanding between the department and the Department of Human Services.

(3) The Safe Drinking Water Revolving Loan Fund shall consist of:

(a) Moneys transferred to the fund by the Department of Human Services for purposes authorized by the memorandum of understanding between the Department of Human Services and the Economic and Community Development Department.

(b) Moneys transferred to the fund by the federal government, other state agencies or local governments.

(c) Moneys transferred to the fund by the Legislative Assembly or the Oregon Economic and Community Development Commission.

(d) Proceeds from the sale of revenue bonds.

(e) Repayment of financial assistance provided with moneys from the fund.

(f) Interest and other earnings on moneys in the fund.

(4) Moneys in the Safe Drinking Water Revolving Loan Fund shall be used to provide financial or other assistance to publicly owned and privately owned water systems under the Safe Drinking Water Act Amendments of 1996, P.L. 104-182, and rules of the Economic and Community Development Department. As used in this subsection, "assistance" includes direct purchase by the Economic and Community Development Department of goods or services related to a water system project to the extent permitted by the memorandum of understanding between the Economic and Community Development Department and the Department of Human Services, the Safe Drinking Water Act Amendments of 1996, and as authorized by rules of the Economic and Community Development Department.

(5) The owner of a water system may borrow from the Safe Drinking Water Revolving Loan Fund by entering into a loan agreement with the Economic and Commu-

nity Development Department. The owner of a municipally owned water system may enter into a loan agreement with the department notwithstanding any restriction on indebtedness in the charter or bylaws of the municipality or any other provision of law. Moneys owed to the department by the borrower under a loan agreement may be paid from:

(a) Revenue from any water system project of the borrower, including special assessment revenue;

(b) Amounts withheld under subsection (6) of this section;

(c) The general fund of the borrower;

(d) Any combination of sources listed in paragraphs (a) to (c) of this subsection; or

(e) Any other source.

(6) If a borrower fails to comply with a loan agreement entered into under subsection (5) of this section, the Economic and Community Development Department may seek appropriate legal remedies to secure any repayment due the Safe Drinking Water Revolving Loan Fund. If a borrower defaults on repayment due the fund, the State of Oregon may withhold any amounts otherwise due to the borrower. Any amounts withheld under this subsection shall be credited toward repayment of the borrower's indebtedness to the fund. [1999 c.236 §1; 2001 c.883 §4a; 2003 c.773 §2]

285A.215 [Formerly 285.110; repealed by 1999 c.509 §61]

285A.216 [1999 c.386 §3; 2001 c.954 §1; renumbered 359.405 in 2001]

285A.218 [Formerly 285.115; repealed by 1999 c.509 §61]

285A.221 [Formerly 285.117; repealed by 1999 c.509 §61]

285A.224 Economic Stabilization and Conversion Fund; uses; rules. (1) The Legislative Assembly finds that Oregon traded sector industries are experiencing a period of major change and disruption, and that this change is creating severe and unpredictable economic consequences for many communities and workers. It is the purpose of the Economic Stabilization and Conversion Fund to assist communities and workers affected by economic dislocation or the possibility of economic dislocations to evaluate and implement alternative business or community opportunities.

(2) The Economic Stabilization and Conversion Fund is created separate and distinct from the General Fund. The fund shall be administered by the Economic and Community Development Department. The fund may be credited with contributions of moneys from public and private sources and with repayments as provided in this section. In-

terest earned by the fund shall be credited to the fund.

(3)(a) The Economic and Community Development Department may allocate moneys in the fund for the following purposes:

- (A) Business retention service;
- (B) Employee ownership;
- (C) Community response to plant closures or community distress, or both; and
- (D) Feasibility studies.

(b) The department shall establish the maximum percentage of the fund that may be allocated for the purposes described in paragraph (a) of this subsection and a minimum match requirement, if any.

(4) The Economic and Community Development Department may grant, expend or loan moneys in the fund for financial assistance, feasibility studies, technical assistance and management consulting services for troubled firms that may close without assistance, for troubled firms that are experiencing major layoffs or firms that have actually closed or announced closure, and for communities that are experiencing distress due to the business closures and for the purpose of encouraging employee ownership, under such terms and conditions as the department may determine.

(5) The Economic and Community Development Department shall provide that firms receiving assistance repay to the Economic Stabilization and Conversion Fund any assistance provided under subsection (4) of this section. Such provisions for repayment shall consider the financial ability of the firm to repay assistance.

(6) In providing assistance from the Economic Stabilization and Conversion Fund, the department shall give preference to Oregon's distressed areas and its traditional agriculture, forestry and fishing industries, and firms competing in markets for which national or international competition exists.

(7) The Economic and Community Development Department shall establish specific criteria for expenditure of funds from the Economic Stabilization and Conversion Fund by adopting rules. [Formerly 285.120; 1999 c.509 §11; 2003 c.773 §4]

285A.227 Oregon Community Development Fund; purposes; sources; use; rules.

(1) There is created within the State Treasury, separate and distinct from the General Fund, the Oregon Community Development Fund. The fund is created to provide a flexible funding source for financing those programs and projects that are determined by the Oregon Economic and Community Development Commission under the policies, criteria and standards set forth in ORS

285A.020, 285A.045 and 285A.055 to further economic and community development. The Economic and Community Development Department may finance programs and projects determined by the commission to further economic and community development by making grants or loans using moneys in the fund. Notwithstanding ORS 279.712, the department may enter into contracts for personal services as necessary or appropriate to implement programs and projects determined by the commission to further economic and community development using moneys in the fund. The Oregon Community Development Fund shall consist of all moneys credited to the fund, including moneys from the Administrative Services Economic Development Fund, federal funds collected or received, and fees, moneys or other revenues, including Miscellaneous Receipts, collected or received by the Economic and Community Development Department, and all interest earnings that accrue to the fund. The moneys in the Oregon Community Development Fund are continuously appropriated to the Economic and Community Development Department to promote economic and community development.

(2) The Oregon Economic and Community Development Commission, by rule, shall adopt standards, objectives and criteria for use of the moneys in the Oregon Community Development Fund. [1997 c.620 §1; 2001 c.883 §5]

Note: The amendments to 285A.227 by section 236, chapter 794, Oregon Laws 2003, become operative March 1, 2005, and apply only to public contracts first advertised, but if not advertised then entered into, on or after March 1, 2005. See sections 336 and 337, chapter 794, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

285A.227. (1) There is created within the State Treasury, separate and distinct from the General Fund, the Oregon Community Development Fund. The fund is created to provide a flexible funding source for financing those programs and projects that are determined by the Oregon Economic and Community Development Commission under the policies, criteria and standards set forth in ORS 285A.020, 285A.045 and 285A.055 to further economic and community development. The Economic and Community Development Department may finance programs and projects determined by the commission to further economic and community development by making grants or loans using moneys in the fund. Notwithstanding ORS 279A.140, the department may enter into contracts for personal services as necessary or appropriate to implement programs and projects determined by the commission to further economic and community development using moneys in the fund. The Oregon Community Development Fund shall consist of all moneys credited to the fund, including moneys from the Administrative Services Economic Development Fund, federal funds collected or received, and fees, moneys or other revenues, including Miscellaneous Receipts, collected or received by the Economic and Community Development Department, and all interest earnings that accrue to the fund. The moneys in the Oregon Community Development Fund are continuously appropriated to the Economic and Community Develop-

ment Department to promote economic and community development.

(2) The Oregon Economic and Community Development Commission, by rule, shall adopt standards, objectives and criteria for use of the moneys in the Oregon Community Development Fund.

Note: 285A.227 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: Section 6, chapter 722, Oregon Laws 2003, provides:

Sec. 6. The Director of the Economic and Community Development Department may transfer among programs and administrative divisions within the Economic and Community Development Department an amount not to exceed five percent of the amount budgeted for personal services, other services, supplies and capital outlay and funded by lottery revenues for the biennium beginning July 1, 2003. [2003 c.722 §6]

PACIFIC NORTHWEST ECONOMIC REGION COMPACT

285A.240 Legislative finding. The Legislative Assembly finds that:

(1) There is a new emerging global economy in which countries and regions located in specific areas of the world are forging new cooperative arrangements.

(2) These new cooperative arrangements are increasing the competitiveness of the participating countries and regions, thus increasing the economic benefits and the overall quality of life for the citizens of the individual countries and regions.

(3) The Pacific Northwest states of Alaska, Idaho, Montana, Oregon and Washington and the Canadian provinces of Alberta and British Columbia are in a strategic position to act together, as a region, thus increasing the overall competitiveness of the individual states and provinces that will provide substantial economic benefits for all of their citizens. [Formerly 285.693]

285A.243 Compact. The Pacific Northwest Economic Region is established by law and entered into by the State of Oregon as a party, and is in full force and effect in accordance with the terms of ORS 285A.240 and this section.

THE PACIFIC NORTHWEST ECONOMIC REGION

ARTICLE I

POLICY AND PURPOSE

States and provinces participating in the Pacific Northwest Economic Region shall seek to develop and establish policies that: Promote greater regional collaboration among the seven entities; enhance the overall competitiveness of the region in international and domestic markets; increase the

economic well-being of all citizens in the region; and improve the quality of life of the citizens of the Pacific Northwest.

States and provinces recognize that there are many public policy areas in which cooperation and joint efforts would be mutually beneficial. These areas include, but are not limited to: International trade; economic development; human resources; the environment and natural resources; energy; and education. Parties to this agreement shall work diligently to establish collaborative activity in these and other appropriate policy areas where such cooperation is deemed worthwhile and of benefit to the participating entities. Participating states and provinces also agree that there are areas in which cooperation may not be feasible.

The substantive actions of the Pacific Northwest Economic Region may take the form of uniform legislation enacted by two or more states and/or provinces or policy initiatives endorsed as appropriate by participating entities. It shall not be necessary for all states and provinces to participate in each initiative.

ARTICLE II

ELIGIBLE PARTIES AND EFFECTIVE DATE

Each of the following states and provinces is eligible to become a party to this agreement: Alaska, Alberta, British Columbia, Idaho, Montana, Oregon and Washington. This agreement establishing the Pacific Northwest Economic Region shall become effective when it is executed by one state, one province and one additional state and/or province in a form deemed appropriate by each entity. This agreement shall continue in force and remain binding upon each state and province until renounced by it. Renunciation of this agreement must be preceded by sending one year's notice in writing of intention to withdraw from the agreement to the other parties to the agreement.

ARTICLE III

ORGANIZATIONAL STRUCTURE

Each state and province participating in this agreement shall appoint representatives to the Pacific Northwest Economic Region. The organizational structure of the Pacific Northwest Economic Region shall consist of the following: A delegate council consisting of four legislators and the governor or the governor's designee from each participating state and four representatives and the premier or the premier's designee from each participating province and an executive committee consisting of one legislator from each participating state and/or province who is a member of the delegate council and four of the seven governors and premiers or their

designees who are members of the delegate council. The legislator members of the executive committee from each state or province shall be chosen by the legislator members of that state or province. The four governor or premier members of the executive committee shall be chosen by the governors and premiers from among the governors and premiers on the delegate council. At least one of the four members representing the governors and premiers on the executive committee must be the premier of a Canadian province. Policy committees may be established to carry out further duties and responsibilities of the Pacific Northwest Economic Region.

ARTICLE IV

DUTIES AND RESPONSIBILITIES

The delegate council shall have the following duties and responsibilities: Facilitate the involvement of other government officials in the development and implementation of specific collaborative initiatives; work with policy-making committees in the development and implementation of specific initiatives; approve general organizational policies developed by the executive committee; provide final approval of the annual budget and staffing structure for the Pacific Northwest Economic Region developed by the executive committee; and other duties and responsibilities as may be established in the rules and regulations of the Pacific Northwest Economic Region. The executive committee shall perform the following duties and responsibilities: Elect the president and vice-president of the Pacific Northwest Economic Region; approve and implement general organizational policies; develop the annual budget; devise the annual action plan; act as liaison with other public and private sector entities; review the availability of and, if appropriate, apply for, (1) tax-exempt status under the laws and regulations of the United States or any state or subdivision thereof and (2) similar status under the laws and regulations of Canada or any province or subdivision thereof, and approve such rules, regulations, organizational policies and staffing structure for the Pacific Northwest Economic Region and take such further actions on behalf of the Pacific Northwest Economic Region as may be deemed by the executive committee to be necessary or appropriate to qualify for and maintain such tax-exempt or similar status under the applicable laws or regulations; and other duties and responsibilities established in the rules and regulations of the Pacific Northwest Economic Region. The rules and regulations of the Pacific Northwest Economic Region shall establish the procedure for voting.

ARTICLE V

MEMBERSHIP OF POLICY COMMITTEES

Policy committees dealing with specific subject matter may be established by the executive committee.

Each participating state and province shall appoint legislators and governors and premiers to sit on these committees in accordance with its own rules and regulations concerning such appointments.

ARTICLE VI

GENERAL PROVISIONS

This agreement shall not be construed to limit the powers of any state or province or to repeal or prevent the enactment of any legislation.

[Formerly 285.695]

OREGON TOURISM COMMISSION

285A.255 Definitions for ORS 285A.255 to 285A.288. As used in ORS 285A.255 to 285A.288, unless the context requires otherwise:

(1) "Commission" means the Oregon Tourism Commission.

(2) "Executive director" means the executive director of the Oregon Tourism Commission. [Formerly 285.130; 2003 c.818 §13]

285A.258 Legislative findings. The Legislative Assembly finds and declares that:

(1) Travel and recreation industries are important to the State of Oregon as a whole, and the health of these industries affects the well-being of all Oregonians.

(2) Tourist facilities and attractions serve the recreational and cultural needs of both visitors and residents.

(3) It is in the public interest to encourage the orderly growth and development of nonpolluting, labor-intensive industries such as tourism within the state.

(4) The travel and recreation industries have become increasingly important to the economic growth of the state and will become more important in the future because of increased leisure time and declining employment opportunities in other traditional Oregon industries.

(5) State involvement in tourism, recreational and cultural activities needs to be better coordinated to respond effectively to state interests and, where appropriate, to meet the needs of local governments and the private sector.

(6) There is a need to encourage communication, partnership and cooperation between the public and private sectors of the

industry to promote orderly growth and implementation of statewide objectives.

(7) It is desirable that there be an agency in state government to act in matters pertaining to public relations.

(8) It is in the public interest to promote quality, integrity and reliability in all tourism and tourism related services and in information offered to visitors to the State of Oregon.

(9) Oregonians want to preserve the historical and cultural foundations of the state as a living part of community life and development and to insure future generations and visitors the opportunity to appreciate and enjoy the rich heritage of Oregon.

(10) Planning and promotion of tourism and recreation should be compatible with other state interests in energy development and conservation, environmental protection, transportation and the judicious use of natural resources.

(11) It is in the best interest of the nation and the tourism and recreation industries to proceed in an orderly fashion toward the development of a promotional program for advancing and enhancing tourism in the state. [Formerly 285.133]

285A.261 Oregon Tourism Commission; qualifications; confirmation; term; compensation and expenses; officers; quorum. (1) There is established an Oregon Tourism Commission consisting of nine members appointed by the Governor. Members of the commission are appointed to perform the duties of the commission as provided by law. Members are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) In appointing members of the commission under subsection (1) of this section, the Governor shall:

(a) Appoint members representing the state's various regions and areas of tourism activity.

(b) Appoint three members drawn from travel agencies, tour operators, private transportation, restaurants or businesses or organizations engaged in tourism promotion for cities or counties, cultural attractions, historic attractions, ski facilities or related recreational industries. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, the Tourism Industry Council of Oregon may recommend to the Governor one or more tourism industry representatives for the Governor's consideration in filling the vacancy.

(c) Appoint at least one member to represent the public at large.

(d) Appoint five members drawn from the lodging industry. For purposes of this paragraph, the lodging industry consists of hotels, motels, resorts, bed and breakfast facilities, inns, recreational vehicle parks, campgrounds and guest ranches. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, a statewide organization representing the lodging industry may recommend to the Governor one or more lodging industry representatives for the Governor's consideration in filling the vacancy.

(3) A member of the commission shall be appointed for a term of four years that begins on July 1. A member shall hold office for the term of the appointment and after the end of the term until a successor is appointed and qualified. Before the expiration of the term of a member, the Governor shall strive to appoint a successor. A member is eligible for one reappointment except that a member appointed to fill a vacancy for a partial term may be reappointed to fill a total of two full terms in addition to the partial term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

(4) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

(5) The commission shall select one of its members to chair the commission and shall select another member to serve as vice chair, for such terms and with duties and powers necessary to perform the functions of the offices as the commission determines.

(6) A majority of the members of the commission constitutes a quorum for the transaction of business.

(7) The Governor may remove a member of the commission for cause as provided in ORS 182.010 or 236.010. [Formerly 285.135; 2003 c.818 §14]

Note: Section 15, chapter 818, Oregon Laws 2003, provides:

Sec. 15. Notwithstanding ORS 285A.261, the members of the Oregon Tourism Commission serving on the commission on the effective date of this 2003 Act [November 26, 2003] may continue to serve on the commission in accordance with their appointments. The Governor shall designate which members of the commission, of those who were appointed to the commission by the Governor, are intended to meet the requirements of ORS 285A.261 (2)(b). [2003 c.818 §15]

285A.264 Duties of commission; marketing plan; rules. The Oregon Tourism Commission shall perform the following duties:

(1) Serve as a body to advise governmental bodies and agencies and private persons on the development and implementation of state policies and programs relating to

tourism and recreation and to assist in the coordination of these activities.

(2) Advise the Governor and direct the executive director of the commission on all matters pertaining to tourism.

(3) Prepare, approve and periodically revise and submit to the Governor, the Director of the Economic and Community Development Department and tourism industry associations a recommended comprehensive marketing plan for review by the Governor, the Director of the Economic and Community Development Department and the tourism industry associations. The comprehensive marketing plan shall be directed toward the accomplishment of at least the following purposes:

(a) Maximizing the return on public and private investment in tourism.

(b) Encouraging longer stays by visitors to Oregon.

(c) Reducing seasonal fluctuations in travel and tourist related industries.

(d) Encouraging visitors to be destination oriented in this state by targeting high-yield visitor segments that may include cultural tourism, agri-tourism, nature-based tourism or sports and adventure tourism.

(e) Encouraging visitors from foreign countries to come to Oregon.

(f) Encouraging Oregonians to vacation in Oregon.

(4) Develop a biennial budget for all operations of the commission and submit the budget to the Governor.

(5) Seek and receive the views of all levels of government and the private sector with respect to state programs and policies for the promotion and assistance of tourism.

(6) Prepare and adopt administrative rules necessary for the operation of the programs of the commission.

(7) Cooperate with educational institutions of the state in the development of educational programs preparing persons for supporting and leadership positions critical to the development of an economically strong and socially beneficial tourism industry in Oregon.

(8) Cooperate with and provide expertise for communities and tourism marketing associations in the development and promotion of their tourism attractions and businesses.

(9) Implement the comprehensive marketing plan described in subsection (3) of this section and promote tourism in the State of Oregon. [Formerly 285.137; 2001 c.883 §6; 2003 c.818 §19]

285A.267 Action on marketing plan.

Upon receipt of a comprehensive marketing plan prepared or revised by the Oregon Tourism Commission under ORS 285A.264, the Governor, the Director of the Economic and Community Development Department and tourism industry associations may review the plan. If the Governor, the director or an industry association has any disagreement with the plan or if the Governor, director or an industry association desires anything included in the plan that is not in the plan when submitted, the Governor, director or industry association may submit recommendations for revision by the commission. [Formerly 285.140; 2003 c.818 §21]

285A.269 Commission exempt from certain financial administration laws; contracts with state agencies for services; personnel policies and contracting and purchasing procedures.

(1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035 and ORS chapters 240, 276, 279, 282, 283, 291, 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 285A.255 to 285A.288, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. The employees of the commission are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:

(a) ORS 279.800 to 279.830;

(b) ORS 292.495; and

(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 285A.255 to 285A.288 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as

state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves. [2003 c.818 §18]

Note: The amendments to 285A.269 by section 18a, chapter 818, Oregon Laws 2003, become operative March 1, 2005. See section 18b, chapter 818, Oregon Laws 2003. The text that is operative on and after March 1, 2005, is set forth for the user's convenience.

285A.269. (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035 and ORS chapters 240, 276, 279, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 285A.255 to 285A.288, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. The employees of the commission are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:

- (a) ORS 279A.250 to 279A.290;
- (b) ORS 292.495; and
- (c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 285A.255 to 285A.288 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all accumulated state agency leaves.

285A.270 [Formerly 285.143; repealed by 2003 c.818 §31]

285A.271 Authority of commission. To carry out the duties and purposes of the Oregon Tourism Commission, and in addition to other powers granted to the commission under ORS 285A.255 to 285A.288 or other law, the commission may:

(1) Make contracts and execute all instruments necessary or convenient for carrying out the duties of the commission;

(2) Acquire, own, hold, transfer, encumber or dispose of property of any kind, or any interest in that property;

(3) Enter into agreements or other transactions involving tourism with any federal, state, county or municipal agency or with any person or other entity;

(4) Appoint officers, consultants, agents or advisors, and prescribe their duties;

(5) Appear before boards, commissions, departments or other agencies of municipal or county governments, the state government or the federal government;

(6) Procure insurance against any losses incurred in connection with property of the commission in the amounts and from the insurers as the commission determines is necessary or desirable;

(7) Accept donations, grants, bequests or devises, conditional or otherwise, of money, property, services or other items of value, including any interest or earnings thereon, that may be received from the federal government or any agency of the federal government, any state or municipal government agency, or any institution or person, public or private, to be held, used or applied for any purpose of the commission, in accordance with the terms of the donation, grant, bequest or devise;

(8) Organize, conduct, sponsor, cooperate with or assist the private sector or other state agencies in the conduct of conferences and tours related to Oregon tourism;

(9) Provide and pay for advisory services and technical assistance that may be necessary or desirable to carry out the duties and purposes of the commission;

(10) Exercise any other powers necessary or desirable for the operation and functioning of the commission that is consistent with the purposes of the commission;

(11) Charge for products or services provided and receive revenue from any source to be used for the purposes of the commission;

(12) Enter into agreements and cooperate with political subdivisions of this state, state agencies, other states, the federal government, governments of foreign countries or private individuals, corporations or other persons in the publication or distribution of information relating to tourism, recreational activities and tourism facilities, or other information or materials of interest or service to the traveling public or relating to developing or promoting tourism in this state; and

(13) Accept or provide travel, lodging, meals, entertainment, meetings and other services from or to public or private entities or persons in order to carry out the duties of the commission. [2003 c.818 §20]

285A.272 Budget of commission; financial records and statements. (1) The Oregon Tourism Commission shall adopt budgets on a biennial basis using classifications of expenditures and revenue required by ORS 291.206 (1). That portion of the bud-

get that is funded by appropriations from the General Fund or by allocations of lottery funds is subject to review and approval by the Legislative Assembly and to future modification by the Emergency Board or the Legislative Assembly. The remainder of the budget is subject to review and recommendation by the Legislative Assembly.

(2) The commission shall adopt or modify a budget only after a public hearing on the budget. At least 15 days prior to a public hearing, the commission shall give notice of the hearing to all persons known to be interested in the proceedings of the commission and to any person who has requested a notice.

(3) The commission shall follow generally accepted accounting principles and keep such financial and statistical information as is necessary to completely and accurately disclose the financial condition and financial operations of the commission as may be required by the Secretary of State.

(4) The commission shall prepare an annual financial statement of commission revenues and expenses and shall make the statement available for public review. [2003 c.818 §22]

285A.273 [Formerly 285.145; 2003 c.794 §237; repealed by 2003 c.818 §§31,31a]

285A.274 Commission account; disposition of moneys; exemption from expenditure limitations. (1) All moneys collected, received by or appropriated to the Oregon Tourism Commission shall be deposited into an account established by the commission in a depository bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of ORS chapter 295, the chair of the commission shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the Federal Deposit Insurance Corporation's coverage.

(2) Subject to the approval of the chair, the commission may invest moneys collected or received by the commission. Investments made by the commission shall be limited to investments described in ORS 294.035 (1) to (9).

(3) Interest earned on any moneys invested under subsection (2) of this section shall be made available to the commission in a manner consistent with the biennial budget of the commission.

(4) State transient lodging tax moneys appropriated to the commission under ORS 320.335 shall be spent by the commission as follows:

(a) At least 80 percent shall be used to fund state tourism marketing programs.

(b) As much as 15 percent shall be used to implement a regional cooperative tourism marketing program. The program shall:

(A) Require that fund allocations focus on creating new business from out-of-state and international markets;

(B) Utilize a regional allocation formula that distributes revenue to regions, the boundaries of which are established by the commission, in proportion to the amount of transient lodging tax revenues collected in each region;

(C) Distribute revenue to recipients that are selected by the commission as organizations able to conduct tourism-related marketing for each region;

(D) Require that all advertising, publications, CD-ROMs, websites, videos and other tourism promotion materials funded through the regional cooperative tourism marketing program carry the Oregon Tourism Commission logo and marketing tag line; and

(E) Encourage funding recipients to incorporate design elements from commission advertising and promotional campaigns, such as fonts, images and other design elements.

(5) All moneys in the account that are not state transient lodging tax revenues are continuously appropriated to the commission for the purposes of carrying out the functions of the commission.

(6) All expenditures from the account are exempt from any state expenditure limitation. [2003 c.818 §23]

285A.276 [Formerly 285.146; 2001 c.883 §7; 2003 c.405 §5; 2003 c.794 §238; repealed by 2003 c.818 §§31,31b]

285A.277 Audit by Secretary of State. ORS 285A.255 to 285A.288 do not affect the duty and authority of the Secretary of State to audit public accounts. The Secretary of State shall enter into agreements with the Oregon Tourism Commission to set an appropriate audit schedule for the commission. In lieu of conducting an audit, the Secretary of State may elect to accept the report of an independent certified public accountant. [2003 c.818 §28]

285A.279 Matching grant program; purposes; amount. (1) The Oregon Tourism Commission shall administer a biennial matching grants program when the Legislative Assembly appropriates moneys therefor. The purpose of the matching grants program is to help develop and improve the economies of communities throughout Oregon by means of the improvement, expansion and promotion of the visitor industry.

(2) The commission shall establish the maximum grant amount in the applicant guidelines prepared for the matching grants program in each biennium. No more than 50

percent of the total cost of a project may be paid for with moneys from the program. An applicant must show a minimum one-to-one match from private or public sources other than Economic and Community Development Department or commission programs. The applicant must also show a cash match of at least 50 percent of the amount requested under the matching grants program. [Formerly 285.148; 2003 c.818 §25]

285A.282 Executive director of commission. (1) The Oregon Tourism Commission shall appoint an executive director. The appointment shall be subject to the approval of the Governor. The executive director shall serve at the pleasure of the members of the commission.

(2) The commission shall set the compensation of the executive director.

(3) The executive director shall direct all administrative functions of the commission. The executive director may appoint all subordinate officers and employees of the commission and may prescribe their duties and set their compensation.

(4) Except as provided in subsection (5) of this section, the commission may delegate to the executive director any duty, function or power conferred or imposed on the commission and the executive director may delegate to any subordinate officer or employee of the commission any duty, function or power conferred, imposed on or delegated to the executive director.

(5) The commission may not delegate to the executive director the power to:

(a) Approve the comprehensive marketing plan described in ORS 285A.264;

(b) Approve the biennial budget required under ORS 285A.272; or

(c) Appoint and set the compensation of the executive director under ORS 285A.282. [Formerly 285.153; 2003 c.818 §26]

285A.285 [Formerly 285.160; repealed by 2003 c.818 §31]

285A.288 Maintenance of tourist information centers. The Oregon Tourism Commission shall establish and maintain official tourist information centers near the principal entrance points into the state, and at other locations it considers appropriate, to be used to provide information to the public about public accommodations, transportation, commercial services for the traveling public, campgrounds, parks, recreational areas and points of interest. The commission may contract for the construction, maintenance and operation of such tourist information centers. [Formerly 285.163; 2003 c.818 §27]

TITLE I BANK FUND

285A.300 Definitions for ORS 285A.300 to 285A.312. As used in ORS 285A.300 to 285A.312, "fund" means the Title I Bank Fund. [Formerly 285.680; 1999 c.509 §12]

285A.303 Findings; purpose. (1) The Legislative Assembly finds that:

(a) Local government is experiencing increasing difficulty in obtaining necessary financing for eligible community development projects, such as public works projects, causing project delays and significant increased costs to property owners and municipalities.

(b) The improvement, expansion and new construction of eligible community development projects contributes to orderly economic growth by providing the framework necessary to attract industry to this state and to promote increased employment opportunities and other community improvements which are for the benefit of the people of Oregon.

(c) It is important, therefore, that state agencies authorized to distribute state or federal funds for such improvements be able to provide programs and allocate moneys that will provide the greatest impetus to community development opportunities in Oregon.

(2) Since municipalities in this state often suffer from a lack of available financing for eligible community development projects, it is the purpose of ORS 285A.300 to 285A.312 to provide financial assistance to municipalities in order that they may develop and construct community development projects and may construct, improve and repair facilities necessary for orderly community development. [Formerly 285.683]

285A.306 Title I Bank Fund; administration; rules; costs. (1) There is established in the State Treasury, separate and distinct from the General Fund, the Title I Bank Fund. All moneys in the fund are continuously appropriated to provide financing for community development projects.

(2) Moneys in the Title I Bank Fund, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.820, and the earnings from such investments and other program income shall be credited to the Title I Bank Fund.

(3) The Title I Bank Fund shall consist of:

(a) Moneys appropriated to the fund by the Legislative Assembly.

(b) Repayment of loans made by cities and counties with grants from the Oregon Community Development Block Grant Program, including interest earnings.

(4) The Economic and Community Development Department shall be the agency for the State of Oregon for the administration of the fund.

(5) The department shall adopt rules and policies for the administration of the fund.

(6) The department may charge program administrative costs to the fund to pay for administrative expenses incurred to the department for processing applications and investigating community development projects. [Formerly 285.685; 1999 c.509 §13]

285A.309 Use of funds. All payments, receipts and interest from outstanding indebtedness shall be retained and accumulated in the Title I Bank Fund and used for the purposes specified in ORS 285A.303. [Formerly 285.687; 1999 c.509 §14]

285A.312 Application of federal statutes. All federal overlay statutes associated with moneys received from the federal Housing and Urban Development Community Development Block Grant Program for Small Cities shall continue to apply to the use of those moneys in the Title I Bank Fund received from sources described in ORS 285A.306 (3)(c) and (d). [Formerly 285.690; 1999 c.509 §15]

FOREIGN TRADE ZONES

285A.325 Foreign trade zones; operators of zones. (1) Any port organized under the laws of this state, any municipal corporation in this state or any dock commission of any city of this state may apply to the United States for permission and may establish, operate and maintain foreign trade zones within or without their boundaries.

(2) A private for-profit corporation may also establish, operate and maintain a foreign trade zone in this state when the corporation is:

(a) Incorporated and organized under the laws of this state for the purpose of establishing, operating and maintaining a foreign trade zone; and

(b) Authorized to establish, operate and maintain a foreign trade zone under a special Act of the Legislative Assembly that specifically names and grants such authority to the corporation. [Formerly 307.850]

Note: 285A.325 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.328 Specific corporation authorized to maintain foreign trade zone. Klamath International Trade & Transportation Services (KITTS), an Oregon corporation, is authorized by ORS 285A.325 and 285A.328 to establish, operate and maintain

a foreign trade zone in this state. [1997 c.499 §2]

Note: 285A.328 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 285A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

ASSISTANCE TO SMALL BUSINESSES

285A.340 Legislative findings; declaration of policy. (1) The Legislative Assembly finds that:

(a) Small businesses have been the major contributors to the increase in traded sector jobs in Oregon.

(b) Small businesses continue to be a major source of employment opportunities for Oregon and that this state ought to encourage the success and growth of small businesses as a means of providing economic opportunities and jobs for Oregonians.

(c) Oregon's women and minority-owned businesses are underrepresented in the business community.

(d) Those small businesses which have at least one employee and which compete in markets for which national or international competition exists have the greatest potential for benefiting the economy of this state.

(e) Access to appropriate business assistance services, rather than the cost of obtaining such services, is a factor limiting the expansion of many small businesses in this state.

(f) Community-based lending programs are particularly well suited to meeting the needs of small businesses that are unable to obtain from private financial institutions the capital that is necessary for expansion.

(g) An effective partnership between state and local economic development programs is essential to promoting the development of small businesses in this state.

(2) The Legislative Assembly therefore declares that it is the policy of this state and the purpose of ORS 285A.340 to 285A.349, 285B.074, 285B.159 and 285B.162:

(a) To assist the development of small businesses, with special emphasis on increasing the percentage of businesses owned by women and members of minority groups;

(b) To encourage competition among publicly supported small business service providers in order to supply the most effective, highest quality services to the greatest number of businesses;

(c) To foster cooperation among state agencies, state-supported organizations and private sector entities that provide services to small businesses in order to best meet the needs of small business clients;

(d) To encourage and support the formation of private sector organizations, including trade associations, organizations formed to meet the needs of traded sector industries and similar groups, to serve the needs of the small businesses in this state and, to the maximum extent feasible, to coordinate the small business programs of this state and of such private sector organizations; and

(e) To provide support for organizations that encourage and assist the development and expansion of small businesses in Oregon. [Formerly 285.121; 1999 c.509 §16; 2003 c.773 §5]

Note: 285A.340 to 285A.349 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 285A by legislative action. See Preface to Oregon Revised Statutes for further explanation.

285A.343 [Formerly 285.123; repealed by 2003 c.773 §56]

285A.346 Purchases of assistance services to small businesses; grants; requirements for providers of services; waiver of federal requirements. (1)(a) The Economic and Community Development Department may purchase business assistance services from public or private organizations for delivery to small businesses in this state or may provide grants to public or private organizations to support, aid, stimulate or otherwise affect the delivery of business assistance services to small businesses in this state.

(b) For the purposes of ORS 285A.340 to 285A.349, "business assistance services" includes:

(A) Basic business training, including elements of accounting, personnel management, marketing and tax compliance.

(B) Counseling on business needs and problems.

(C) Assistance in securing state and federal procurement contracts.

(D) Assistance in securing Oregon suppliers for goods and services.

(2) An organization or association that receives state moneys for the purpose of providing business assistance services to small businesses shall comply, to the greatest extent feasible, with the state policies established under ORS 285A.340 to 285A.349.

(3) To the extent that federal laws or regulations impose requirements that limit the payment of fees by recipients of business assistance services to small businesses, the Economic and Community Development Department and the providers of those services shall apply for waivers of such federal requirements. [Formerly 285.125; 1999 c.509 §25; 2003 c.773 §6]

Note: See note under 285A.340.

285A.349 Evaluation of effectiveness of assistance. The Economic and Community Development Department shall evaluate the efficiency and effectiveness of the delivery of business assistance services to small businesses under ORS 285A.340 to 285A.349. [Formerly 285.127; 2003 c.773 §7]

Note: See note under 285A.340.

285A.360 [Formerly 285.175; repealed by 1999 c.509 §61]

285A.363 [Formerly 285.176; repealed by 1999 c.509 §61]

285A.366 [Formerly 285.178; repealed by 1999 c.509 §61]

285A.369 [Formerly 285.179; repealed by 1999 c.509 §61]

285A.380 [Formerly 285.250; repealed by 1999 c.509 §61]

285A.383 [Formerly 285.253; repealed by 1999 c.509 §61]

285A.386 [Formerly 285.255; repealed by 1999 c.509 §61]

285A.389 [Formerly 285.257; repealed by 1999 c.509 §61]

285A.392 [Formerly 285.260; repealed by 1999 c.509 §61]

285A.415 [Formerly 285.170; repealed by 1999 c.509 §61]

285A.418 [Formerly 285.173; repealed by 1999 c.509 §61]

285A.440 [Formerly 285.190; renumbered 660.303 in 2001]

285A.443 [Formerly 285.180; 1999 c.39 §6; 2001 c.684 §4; renumbered 660.300 in 2001]

285A.446 [Formerly 285.183; 1999 c.39 §7; 2001 c.684 §13; renumbered 660.339 in 2001]

285A.449 [Formerly 285.185; repealed by 2001 c.684 §38]

285A.452 [1997 c.652 §1; renumbered 660.306 in 2001]

285A.455 [1997 c.652 §2; 2001 c.684 §15; renumbered 660.312 in 2001]

285A.458 [1997 c.652 §3; 2001 c.684 §16; 2001 c.900 §52; renumbered 660.315 in 2001]

285A.461 [1997 c.652 §5; repealed by 2001 c.524 §4]

285A.480 [Formerly 285.670; repealed by 1999 c.509 §61]

RURAL REVITALIZATION AND LEADERSHIP DEVELOPMENT PROGRAM

285A.483 Legislative findings; declaration of policy. (1) The Legislative Assembly finds that:

(a) The rural communities of Oregon need assistance in assessing their economic opportunities, planning for long-term economic development and participating effectively in state economic development programs;

(b) Strong community leaders are essential to the ability of a rural community to identify economic opportunities and problems, build a consensus on community development issues and coordinate the

development and implementation of plans to address those issues;

(c) Rural areas of Oregon, more than the urban areas of this state, suffer from significantly higher levels of unemployment, lower average wages and high levels of worker displacement due to advances in technology and natural resource supply shortages;

(d) These distressed rural communities in particular need strong, visionary leadership to guide them through the economic changes of the next decade, which may be a period of growing global competition, severe natural resource shortages and declining employment in rural areas;

(e) Rural areas have limited resources with which to acquire the technical assistance and leadership necessary to adequately respond to economic change; and

(f) Federal and state investment in community and leadership development in rural areas is insufficient.

(2) The Legislative Assembly therefore declares that it is the policy of the State of Oregon to promote economic stability and development in rural areas of this state.

(3) The Legislative Assembly further declares that the rural revitalization and leadership development program established by ORS 285A.483 to 285A.495 is intended to promote such state policy by providing rural communities with technical assistance for the assessment of their economic opportunities and the development of strategic plans for immediate and long-term economic development and by improving the leadership skills of individuals likely to become leaders in rural communities. [Formerly 285.672; 1999 c.509 §17]

Note: Section 1, chapter 637, Oregon Laws 2001, provides:

Sec. 1. (1) The Economic and Community Development Department shall establish a work group to determine whether tax credits or other tax-related incentives to financial institutions would improve efforts by financial institutions to satisfy the credit needs of people in rural areas or economically distressed areas.

(2) In order to make the determination described in subsection (1) of this section, the work group must study the effects of the federal Community Reinvestment Act of 1977 on lending by local financial institutions, assess the current effectiveness of lending in rural areas or economically distressed areas and consider aspects that may be improved through the use of tax credits or other tax-related incentives to financial institutions.

(3) The work group shall include representatives from financial institutions, rural areas and economically distressed areas and appropriate state agencies.

(4) The work group must report its findings and make suggestions for appropriate legislation in time for pre-session filing pursuant to ORS 171.130, for presentation to the Seventy-second Legislative Assembly. The work group must request that any legislation suggested by the work group indicate that the legislation is introduced at the request of the work group.

(5) For purposes of this section:

(a) "Economically distressed area" means:

(A) Any enterprise zone designated under ORS 285B.650 to 285B.728 [renumbered 285C.050 to 285C.250];

(B) Any federally recognized Oregon Indian reservation; or

(C) Any county in which the unemployment rate for the past two years averages 120 percent or more of the statewide average unemployment rate for that same time period.

(b) "Rural area" means any land that is located outside city limits and outside any urban growth boundaries. [2001 c.637 §1]

285A.486 Technical assistance; leadership training. (1) Rural communities participating in the rural revitalization program established by ORS 285A.483 to 285A.495 shall be provided with technical assistance to:

(a) Assess their economic strengths, weaknesses, opportunities and threats;

(b) Develop short term and long term strategic plans based on the assessment;

(c) Assist the communities in developing organizational structures and other activities needed to implement and sustain their strategic plans; and

(d) Resolve problems that may arise in communities as they work to implement their strategic development plans.

(2) The program of leadership training carried on under ORS 285A.483 to 285A.495 shall develop the skills of individuals enrolled in the program by:

(a) Exposing program participants to a broad range of regional, national and international issues affecting rural areas.

(b) Teaching participants about effective management techniques, group problem solving methods and consensus building processes.

(c) Providing participants with training to improve their technical and analytical skills.

(d) Educating participants about the functions of local, state and national governments and the state legislative process.

(e) Teaching participants about the elements of effective leadership.

(f) Providing participants with opportunities to apply leadership skills to community development work.

(3) The Economic and Community Development Department shall insure that the community development and leadership training efforts carried out under the rural revitalization program are coordinated with existing state and local community development and leadership training programs in a manner that contributes to the quality and effectiveness of the programs established by

ORS 285A.483 to 285A.495, maximizes the use of available resources and expands development and training opportunities for communities and rural residents. The department shall coordinate programs under ORS 285A.483 to 285A.495 with other programs including, but not limited to, federal programs, the regional investment program established under ORS 285B.230 to 285B.269, the special public works program established under ORS 285B.464 and 285B.410 to 285B.482, state workforce and job training programs, programs offered by the Oregon State University Extension Service and leadership training programs offered by local chambers of commerce. [Formerly 285.674; 1999 c.509 §58]

285A.489 Contracts to carry out program. The Economic and Community Development Department, in cooperation with private businesses, state universities and other interested parties, may contract with organizations to carry out the purposes of ORS 285A.483 to 285A.495. [Formerly 285.676; 1999 c.509 §18]

285A.492 [Formerly 285.677; repealed by 1999 c.509 §61]

285A.495 Short title. ORS 285A.483 to 285A.489 shall be known as and may be referred to as the Rural Revitalization and Leadership Development Act. [Formerly 285.678]

Note: Section 30, chapter 922, Oregon Laws 2001, provides:

Sec. 30. Acquisition of Joseph Branch of Idaho Northern and Pacific Railroad. (1) Pursuant to ORS 286.560 to 286.580, lottery bonds may be issued to fund a portion of the costs related to acquisition of the Joseph Branch of the Idaho Northern and Pacific Railroad in Wallowa and Union Counties to preserve the railroad and its right of way. The provisions of ORS 286.505 to 286.545 do not apply to bonds described in this section.

(2) The use of the lottery bond proceeds is authorized based on the following findings:

(a) The railroad is of strong economic importance to both Wallowa and Union Counties;

(b) Loss of the railroad in Wallowa and Union Counties would result in serious economic hardship and would remove a valuable resource for an economically distressed area of the state;

(c) Loss of rail service in other rural counties of Oregon has had serious implications to the economy in reduced manufacturing of goods and services and the ability to retain or create family wage jobs;

(d) Restarting the railroad could substantially reduce shipping costs for businesses along the railroad; and

(e) Restarting the railroad could offer strong economic opportunity for the counties as a tourism attraction highlighting an authentic rail excursion experience.

(3) The aggregate principal amount of lottery bonds issued pursuant to this section may not exceed the sum of \$2 million and an additional amount established by the State Treasurer to pay bond-related costs. Lottery bonds issued pursuant to this section shall be issued only at the request of the Director of the Economic and Community Development Department after the depart-

ment has received a request from the county commissions of Wallowa and Union Counties that provides for how the funds will be used to acquire the right of way and the railroad for public ownership.

(4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the Oregon Community Development Fund established in ORS 285A.227. Any such funds shall be provided to a public entity established by Union and Wallowa Counties on such terms as may be provided by agreement between the Director of the Economic and Community Development Department and the county commissions of Wallowa and Union Counties. If, by the terms of such agreement, any funds may revert or be repaid to the department, they may be allocated by the Oregon Economic and Community Development Commission as provided by law.

(5) The proceeds of lottery bonds issued pursuant to this section may be used only for the purposes set forth in subsection (1) of this section and for bond-related costs. [2001 c.922 §30]

ECONOMIC DISLOCATIONS

285A.510 Definitions for ORS 285A.510 to 285A.522. As used in ORS 285A.510 to 285A.522:

(1) “Community” means an area or locality in which the inhabitants have common economic or employment interests and which is undergoing an economic emergency. The term is not limited to a city, county or other political subdivision and need not, but may, be limited by political lines and boundaries. A large populous area under one or more governing bodies may be composed of several communities.

(2) “Employer,” “mass layoff” and “plant closing” have the meanings given those terms on October 3, 1989, in the Worker Adjustment and Retraining Notification Act (P.L. 100-379). [Formerly 285.450]

285A.513 Policy. The Legislative Assembly declares that it is the policy of the State of Oregon to assist employers, workers and communities in this state in coping with the effects of plant closings, mass layoffs and other economic dislocations. [Formerly 285.453]

285A.516 Agency to receive notice of plant closing or layoff. The Department of Community Colleges and Workforce Development is the state agency that shall be notified when an employer is required to provide written notice of a plant closing or mass layoff under section 3 of the Worker Adjustment and Retraining Notification Act (P.L. 100-379). [Formerly 285.457; 2001 c.684 §18]

285A.519 Notice to employers of agency that receives closing or layoff notice; assistance programs. (1) The Department of Community Colleges and Workforce Development shall notify employers subject to the Worker Adjustment and Retraining Notification Act (P.L. 100-379) that the Department of Community Colleges and Workforce Development is the state agency that

must be notified when they are required to provide notice of a plant closing or mass layoff under the Worker Adjustment and Retraining Notification Act (P.L. 100-379).

(2) When notifying employers as provided in subsection (1) of this section, the department shall provide employers with a statement of the programs, projects, expenditures and other forms of assistance the department and other state agencies can provide to communities, employers and workers affected by a plant closing or mass layoff. [Formerly 285.460; 2001 c.684 §19]

285A.522 Annual report of plant closings and layoffs; contents. (1) The Department of Community Colleges and Workforce Development shall prepare an annual report concerning plant closings and mass layoffs in this state. The report shall describe in detail each plant closing or mass layoff during the period covered by the report and the assistance and services provided to the affected employers, workers and communities. The report shall also contain the most recent information available relating to the current status of the employer, workers and community affected by each plant closing or mass layoff.

(2) The report prepared under this section shall be presented to the Governor, the President of the Senate, the Speaker of the House of Representatives and the Joint Legislative Committee on Trade and Economic Development. [Formerly 285.463]

285A.535 [Formerly 285.263; repealed by 1999 c.509 §61]

285A.538 [Formerly 285.265; repealed by 1999 c.509 §61]

285A.541 [Formerly 285.267; repealed by 1999 c.509 §61]

285A.544 [Formerly 285.270; repealed by 1999 c.509 §61]

285A.547 [Formerly 285.273; repealed by 1999 c.509 §61]

285A.550 [Formerly 285.275; repealed by 1999 c.509 §61]

PORTS (Generally)

285A.600 Policy. (1) The Legislative Assembly finds that:

(a) The ports of this state are directly and actively involved in creating and carrying out at the local level the economic development objectives and programs of the State of Oregon.

(b) Ports in this state provide effective local assistance to state economic and transportation development efforts.

(c) Ports in Oregon develop and market facilities and services to support important existing industries in this state, such as ag-

riculture, aviation, maritime commerce, international trade, tourism, recreation, fishing, wood products and transportation.

(d) Port facilities, including roads, railroads, airports, harbors and navigation channels, are an integral element of the transportation infrastructure of this state.

(e) The ports in this state have few technical or institutional resources to deal with multiple state and federal programs.

(f) Ports in this state need coordinating and planning assistance from the State of Oregon in order to be competitive in national and international markets and to continue to contribute to economic development efforts in this state.

(2) The Legislative Assembly declares that it is the policy of this state to include Oregon's ports in planning and implementing economic development and transportation programs. To that end, the Oregon Economic and Community Development Commission and the Economic and Community Development Department may work to:

(a) Coordinate with the Department of Transportation and other state agencies, commissions and advisory committees engaged in activities affecting ports to facilitate port planning and development;

(b) Promote local cooperation in statewide planning and development of the ports;

(c) Promote long-term economic self-sufficiency of the ports;

(d) Encourage cost-effective investments with prudent financial consideration of port development projects; and

(e) Facilitate ports in their efforts to expand and respond to greater domestic and international market opportunities.

(3) The Legislative Assembly also declares that:

(a) The State of Oregon recognizes, supports and promotes a federal role in the continuation of the maintenance and development of federally authorized waterway projects.

(b) Because the federal role is changing, the responsibilities of this state may increase in terms of direct involvement in waterway transportation.

(c) It is the policy of the State of Oregon to support the continued maintenance and development of the following waterways as key elements of the statewide transportation system:

(A) The navigation channels of the Columbia River, Coos Bay and Yaquina Bay and any other commercial waterway segments that provide a link for movement of

products to and from world and regional markets.

(B) Waterway segments that serve as transportation corridors for large volumes of bulk and agricultural commodities and that provide shippers a cost-effective means to transport products.

(C) The coastal channels and harbors that support commercial and water-dependent activities. [Formerly 285.800]

285A.603 Definitions for ORS 285A.603 to 285A.633. As used in ORS 285A.603 to 285A.633, unless the context requires otherwise:

(1) "Port" means the Port of Portland and any port formed pursuant to ORS 777.005 to 777.725 and 777.915 to 777.953.

(2) "Ports Division" or "division" means the Ports Division of the Economic and Community Development Department. [Formerly 285.805; 2003 c.802 §153]

285A.606 Ports Division; powers and duties. The Ports Division is established as a division within the Economic and Community Development Department. The division shall have the powers and perform the duties and functions set forth in ORS 285A.603 to 285A.633 and such other duties as may be prescribed for the division by the Director of the Economic and Community Development Department. The actions of the division shall be subject to the approval of the Director of the Economic and Community Development Department. [Formerly 285.806]

285A.609 Oregon Ports Representation Group; membership; rules. (1) There is established within the Economic and Community Development Department the Oregon Ports Representation Group consisting of the general manager and one commissioner, or their designees, from each Oregon port.

(2) The group shall meet at least once each year. A majority of the group constitutes a quorum for the purpose of conducting official business.

(3) The department shall adopt such procedural rules as may be necessary for the group to perform its duties. [Formerly 285.808; 2003 c.773 §8]

285A.612 Duties and functions of representation group. (1) The Oregon Ports Representation Group shall:

(a) Serve as a body to advise the Economic and Community Development Department, the Oregon Economic and Community Development Commission, the Governor and the Legislative Assembly on matters relating to the development and implementation of state policies and programs related to ports, and to assist in the coordination of such activities.

(b) Advise the department, the commission, the Governor and the Legislative Assembly on all matters concerning ports that pertain to the powers, duties and functions of the department.

(2) The group, through the department, shall be responsible for evaluating and developing recommendations for a statewide policy agenda to help guide this state's efforts to facilitate port development. The agenda, in the form of analyses, conclusions and recommendations, shall serve to help direct this state's investments in ports, as well as to direct the formation of state and federal policies that affect ports. Such policies shall include, but not be limited to, policies relating to dredging by the United States Army Corps of Engineers, developing multi-modal transportation facilities for the movement of goods through ports, converting facilities to productive economic use, resolving natural resource and habitat issues that affect ports and promoting local economic development efforts in port districts.

(3) The department shall provide the group with staff and other assistance as necessary for the group to perform its duties. [Formerly 285.809; 2003 c.773 §9]

285A.615 Ports Division to provide managerial assistance and technical services; cooperation with other agencies. (1) The Ports Division of the Economic and Community Development Department shall provide managerial assistance and technical referral services to ports.

(2) The division shall:

(a) Disseminate such research and technical information as is available to the department; and

(b) Provide managerial assistance to ports and the safety committees created under ORS 468B.415 requesting such assistance.

(3) The division shall work cooperatively with existing organizations and agencies that provide research and technical services, including, but not limited to:

(a) The Department of State Lands;

(b) The State Marine Board; and

(c) The Sea Grant College and marine extension services at Oregon State University. [Formerly 285.810]

285A.618 Biennial report of Oregon Ports Representation Group. The Oregon Ports Representation Group shall submit a report to the Oregon Economic and Community Development Commission for inclusion in its biennial report to the Legislative Assembly. The report required by this section shall include the findings of the group relating to the effectiveness of current state efforts to promote port development and

maritime commerce. The report shall also contain an analysis of conditions that impede increased port development and maritime commerce in Oregon or that hinder the competitiveness of the ports in Oregon. The report shall include recommendations for the removal of such conditions. [Formerly 285.811; 2003 c.773 §10]

285A.621 [Formerly 285.813; repealed by 1999 c.509 §61]

285A.624 Ports Division employees. Subject to the approval of the Director of the Economic and Community Development Department and any applicable provisions of the State Personnel Relations Law, the chief administrative officer of the Ports Division may appoint such subordinate officers and employees as are necessary for the accomplishment of the duties, functions and powers assigned to the Ports Division and prescribe their duties and fix their compensation. [Formerly 285.814]

285A.627 Commission and division functions; approval required for creation of new ports; coordinating, planning and research on international trade. (1) The Oregon Economic and Community Development Commission, through the Ports Division, shall be the statewide coordinating, planning and research agency for all ports and port authorities in this state to ensure the most orderly, efficient and economical development of the state port system.

(2) Notwithstanding any other provision of law, after July 1, 1969, no port or port authority may be formed without the prior approval of the commission.

(3) The commission, through the division, shall be the statewide coordinating, planning and research agency for port activities involving international trade and international trade development and industrial, commercial and recreational development. [Formerly 285.815]

(Regions)

285A.630 Port regions. The following port regions are established:

(1) Coastal Region. Tillamook, Lincoln, Lane, Douglas, Coos and Curry Counties.

(2) Lower Columbia Region. Clatsop, Columbia, Clackamas, Washington and Multnomah Counties.

(3) Mid-Columbia Region. Hood River, Wasco, Sherman, Gilliam, Morrow and Umatilla Counties.

(4) Interior Region. Those counties not included within the Coastal Region, the Lower Columbia Region or the Mid-Columbia Region. [Formerly 285.817]

285A.633 Regional meetings required; report to commission. (1) At least four times each year, and at such other times and places as the Oregon Economic and Community Development Commission may direct, representatives of each port and port authority within a region established by ORS 285A.630 shall meet to discuss and solve problems of common interest within the region. Except for meetings directed by the commission, regional meetings shall be held at such times and places as are designated by a majority of the representatives. The representatives shall choose from among their number a chairperson and other officers for such terms and with such duties and powers as the representatives determine necessary for the performance of their duties.

(2) The chairperson of each regional meeting shall cause a summary of the proceedings to be delivered to the Economic and Community Development Department. [Formerly 285.820]

285A.636 [Formerly 285.825; repealed by 1999 c.509 §61]

285A.639 [Formerly 285.827; repealed by 1999 c.509 §61]

285A.642 [Formerly 285.830; repealed by 1999 c.509 §61]

285A.645 [Formerly 285.833; repealed by 1999 c.509 §61]

285A.648 [Formerly 285.837; repealed by 1999 c.509 §61]

285A.651 [Formerly 285.843; repealed by 1999 c.509 §61]

(Planning and Marketing)

285A.654 Port Planning and Marketing Fund; uses; sources; investment. (1) There is created within the State Treasury, separate and distinct from the General Fund, the Port Planning and Marketing Fund. All moneys in the Port Planning and Marketing Fund are appropriated continuously to the Ports Division and shall be used by the division for:

(a) Administrative expenses of the division in processing grant applications and investigating proposed planning or marketing projects related to ports.

(b) Payment of grants under ORS 285A.654 to 285A.660 to ports formed under ORS 777.010 and 777.050.

(c) Direct purchase by the division of goods or services to assist ports in implementing planning or marketing projects approved for grant financing under ORS 285A.654 to 285A.660.

(2) The Port Planning and Marketing Fund shall consist of:

(a) Moneys appropriated to the fund by the Legislative Assembly.

(b) Moneys obtained from gifts or grants received under ORS 285A.200.

(c) Moneys obtained from interest earned on the investment of such moneys.

(3) Moneys in the Port Planning and Marketing Fund, with the approval of the State Treasurer, may be invested as provided by ORS 293.701 to 293.820, and the earnings from such investments shall be credited to the Port Planning and Marketing Fund. [Formerly 285.850; 2001 c.883 §7a; 2003 c.802 §154]

285A.657 Grant purposes; application; standards; prohibited funding. (1) The Ports Division may make grants, as funds are available, to any port formed under ORS chapter 777 or 778 for:

(a) A planning project conducted under ORS 285A.627 or any other planning project necessary for improving the port's capability to carry out its authorized functions and activities relating to trade and commerce; or

(b) A marketing project necessary for improving the port's capability to carry out its authorized functions and activities relating to trade and commerce.

(2) Any port may file with the Ports Division an application for a grant from the Port Planning and Marketing Fund to finance a specific planning project or marketing project.

(3) An application under this section shall be filed in such a manner and contain or be accompanied by such information as the Ports Division may prescribe.

(4) Upon receipt of an application, the Ports Division shall determine whether the planning project or marketing project is eligible for funding under ORS 285A.654 to 285A.660. If the Ports Division determines that the project is not eligible, it shall within 60 days:

(a) Reject the application; or

(b) Require the applicant to submit additional information as may be necessary.

(5) The Ports Division may approve a grant for a planning project or a marketing project described in an application filed under this section if, after investigation, the Ports Division finds that:

(a) The project meets the standards and criteria established by the Ports Division for grant financing from the Port Planning and Marketing Fund; and

(b) Moneys in the Port Planning and Marketing Fund are or will be available for the project.

(6) Grants to ports under ORS 285A.654 to 285A.660 shall not exceed \$25,000 and shall not exceed 75 percent of the total cost of the project.

(7) The Ports Division shall not fund any program that subsidizes regular port operating expenses.

(8) In lieu of all or part of the grant financing approved under ORS 285A.654 to 285A.660 for a planning or marketing project, the Ports Division may purchase goods or services to assist a port in implementing a project. [Formerly 285.857; 2001 c.883 §7b; 2003 c.802 §155]

285A.660 Funding priorities. (1) The Economic and Community Development Department shall develop marketing grant funding priorities considering such factors as community need and whether the project will lead to economic diversification, development of a new or emerging industry and redevelopment of existing public facilities. The department shall give priority to regional or cooperative projects, and projects that leverage other marketing efforts by the state or other local government units.

(2) The department shall review all proposals to avoid duplication of marketing efforts among ports, and to maintain consistency with the applicable county or city comprehensive plans. [Formerly 285.860]

285A.663 [Formerly 285.863; repealed by 1999 c.509 §61]

(Oregon Port Revolving Fund)

285A.666 Definitions for ORS 285A.666 to 285A.732. As used in ORS 285A.666 to 285A.732, unless the context requires otherwise:

(1) "Division" means the Ports Division of the Economic and Community Development Department.

(2) "Flexible manufacturing space project" means a project for the acquisition, construction, improvement or rehabilitation, in whole or in part, of any building suitable for the conduct of manufacturing processes and, by design, able to be readily modified when necessary to accommodate the operations of the tenants of the building. The term includes any preproject planning activities for a flexible manufacturing space project.

(3) "Fund" means the Oregon Port Revolving Fund.

(4) "Port district" means any port formed pursuant to ORS 777.005 to 777.725 and 777.915 to 777.953 or ORS chapter 778.

(5) "Project" means a project authorized under ORS 777.105 to 777.258, including engineering, acquisition, improvement, rehabilitation, construction, operation, maintenance or preproject planning necessary to carry out the project. [Formerly 285.870; 2001 c.883 §8; 2003 c.773 §11; 2003 c.802 §156]

285A.669 Application for project money. Any Oregon port district may file with the Oregon Economic and Community Development Commission an application to borrow money from the Oregon Port Revolving Fund for a project as provided in ORS 285A.666 to 285A.732. The application shall be filed in such a manner and contain or be accompanied by such information as the commission may prescribe. [Formerly 285.873; 2001 c.883 §9]

285A.672 Commission review of application; fee. (1) Upon receipt of an application filed as provided in ORS 285A.669, the Oregon Economic and Community Development Commission shall determine whether the plans and specifications for the proposed project set forth in or accompanying the application are satisfactory. If the commission determines that the plans and specifications are not satisfactory, the commission may within 60 days:

(a) Reject the application.

(b) Require the applicant to submit additional information of the plans and specifications as may be necessary.

(2) The commission shall charge and collect from the applicant, at the time the application is filed, a fee of not to exceed \$100. Moneys referred to in this subsection shall be paid into the Oregon Port Revolving Fund. [Formerly 285.875; 2001 c.883 §10]

285A.675 Private contract for project not prohibited. Nothing in ORS 285A.666 to 285A.732 is intended to prevent an applicant from employing a private engineering firm and construction firm to perform the engineering and construction work on a proposed project. [Formerly 285.880; 2001 c.883 §11]

285A.678 Qualifications for approval of project funding. The Oregon Economic and Community Development Commission may approve a project proposed in an application filed as provided in ORS 285A.669, if, after investigation, the commission finds that:

(1) The proposed project is feasible and a reasonable risk from practical and economic standpoints, and the loan has reasonable prospect of repayment.

(2) Moneys in the Oregon Port Revolving Fund are or will be available for the proposed project.

(3) There is a need for the proposed project, and the applicant's financial resources are adequate to provide the working capital needed to ensure success of the project.

(4) The applicant has received all necessary permits required by federal, state or local agencies.

(5) The applicant will not owe more than \$3 million to the Oregon Port Revolving Fund if the loan is approved.

(6) The standards under ORS 285A.055 have been met. [Formerly 285.883; 2001 c.883 §12; 2003 c.773 §12]

285A.681 Loan from fund; repayment plan; project inspection; enforcement of contract. If the Oregon Economic and Community Development Commission approves the project, the commission, on behalf of the state, and the applicant may enter into a loan contract that is secured by good and sufficient collateral. The loan contract shall set forth, among other matters:

(1) A plan for repayment by the applicant to the Oregon Port Revolving Fund of moneys borrowed from the fund for the project and interest on the moneys at a rate of interest of not less than one percent less than the prevailing interest rate on United States Treasury bills of comparable term, as determined by the commission. The repayment plan, among other matters:

(a) Shall provide for commencement of repayment by the port district of moneys used for the project and interest thereon no later than one year after the date of the loan contract or at such other time as the commission may provide. However, upon approval by the commission, a repayment plan for a flexible manufacturing space project may provide that no interest shall accrue until the building is at least 25 percent occupied or until three years after the date of the loan contract, whichever is earlier.

(b) May provide for reasonable extension of the time for making any repayment in emergency or hardship circumstances if approved by the commission.

(c) Shall provide for such evidence of debt assurance of, and security for, repayment by the applicant as are considered necessary by the commission.

(d) Shall set forth a schedule of payments and the period of loan which shall not exceed the usable life of the contracted project or 20 years from the date of the contract, whichever is less, and shall also set forth the manner of determining when loan payments are delinquent. The payment schedule shall include repayment of interest which accrues during any period of delay in repayment authorized by paragraph (a) of this subsection, and the payment schedule may require payments of varying amounts for collection of such accrued interest.

(e) Shall set forth a procedure for formal declaration of default of payment by the commission, including formal notification of all relevant federal, state and local agencies; and further, a procedure for notification of

all relevant federal, state and local agencies that declaration of default has been rescinded when appropriate.

(f) Shall provide for partial or complete repayment, in excess of scheduled payments, of any outstanding principal loan amount without penalty. If any prepayment is made, that amount shall not be included in any computation for the purposes of ORS 285A.678 (5).

(2) Provisions satisfactory to the commission for field engineering and inspection, the commission to be the final judge of completion of the contract.

(3) That the liability of the state under the contract is contingent upon the availability of moneys in the Oregon Port Revolving Fund for use in the project.

(4) Such further provisions as the commission considers necessary to ensure expenditure of the funds for the purposes set forth in the approved application.

(5) That the commission may institute appropriate action or suit to prevent use of the facilities of a project financed by the Oregon Port Revolving Fund if the applicant is delinquent in the repayment of any moneys due the Oregon Port Revolving Fund. [Formerly 285.885; 2001 c.883 §13; 2003 c.773 §13]

285A.684 Project moneys from port revolving fund. If the Oregon Economic and Community Development Commission approves a loan for a project, the commission shall pay moneys for the project from the Oregon Port Revolving Fund, in accordance with the terms of the loan contract as prescribed by the commission. [Formerly 285.887; 2001 c.883 §14]

285A.687 Filing of lien against port; notice of satisfaction. (1) If the Oregon Economic and Community Development Commission accepts a lien against any port district's real or personal property as collateral required by ORS 285A.681, the commission shall file notice of the loan with the recording officer of each county in which is situated any real or personal property of the port district. The notice shall contain a description of the encumbered property, the amount of the loan, and a statement that loan payments are liens against such property.

(2) Upon payment of all amounts loaned to a port district pursuant to ORS 285A.666 to 285A.732, the commission shall file with each recording officer referred to in subsection (1) of this section, a satisfaction notice that indicates repayment of the loan. [Formerly 285.890]

285A.690 Powers to enforce loan agreement. (1) The Oregon Economic and Community Development Commission may

institute proceedings to foreclose any lien for delinquent loan payments.

(2) If a port district fails to comply with a contract entered into pursuant to ORS 285A.681, the commission may seek appropriate legal remedies to secure the loan, and may contract with any port project developer for continuation of the project and for repayment of moneys from the Oregon Port Revolving Fund used therefor and interest thereon.

(3) The commission may also provide by contract or otherwise for a project until the project is assumed by the new port project developer. [Formerly 285.893; 2001 c.883 §15]

285A.693 Sources of loan repayment moneys. A port district that enters into a contract with the Oregon Economic and Community Development Commission for a project and repayment as provided in ORS 285A.681 may obtain moneys for repayment to the Oregon Port Revolving Fund under the contract in the same manner as other moneys are obtained for purposes of the port district or other moneys available to the developer. [Formerly 285.895; 2001 c.883 §16]

285A.696 Duties of director. The Oregon Economic and Community Development Commission may appoint the Director of the Economic and Community Development Department as their representative and agent in all matters pertaining to ORS 285A.666 to 285A.732. The director shall assure that all provisions of ORS 285A.666 to 285A.732 are complied with and that appropriately trained personnel are employed pursuant to ORS 285A.070 to properly administer the fiscal and other portions of ORS 285A.666 to 285A.732. [Formerly 285.905]

285A.699 Reimbursement to port revolving fund upon refinancing of project. Except as provided in ORS 285A.702, if any project is refinanced or financial assistance is obtained from other sources after the execution of the loan from the state, all such funds shall be used to repay the state first if such refinancing or financial assistance applies only to the project authorized and does not include any subsequent addition, expansion, improvement or further development. [Formerly 285.907; 2001 c.883 §17]

285A.702 Joint financing. (1) The Oregon Economic and Community Development Commission may authorize funds from the Oregon Port Revolving Fund to be used in appropriate joint governmental participation projects or as match money with any port, state or federally funded project authorized within a port district, subject to the stipulations of ORS 285A.666 to 285A.732.

(2) Any application for a loan under this section shall be in such form as the commis-

sion prescribes and shall furnish such proof of federal, state or local approval as appropriate for funding of the project. [Formerly 285.910; 2001 c.883 §18; 2003 c.773 §14]

285A.705 Loan contract under joint financing programs. If the Oregon Economic and Community Development Commission approves an application for the loan of moneys authorized by ORS 285A.702, the commission shall enter into a loan contract, secured by good and sufficient collateral, with the port district that provides, among other matters:

(1) That notices of any liens against the property be filed with the recording officer of each county as provided for in ORS 285A.687 (1) and (2).

(2) That the loan bear interest at the same rate of interest as provided in ORS 285A.681 (1).

(3) That the contract shall set forth a schedule of payments including interest and principal for the period of the loan, which shall not exceed the usable life of the contracted project or 20 years from the date of the contract, whichever is less, and shall set forth the manner of determining when loan payments are delinquent. The same schedule shall include repayment of interest which accrues during any period of delay in repayment authorized by ORS 285A.666 to 285A.732, and the repayment schedule may require payments of varying amounts for collection of such accrued interest. However, the commission may make provisions for extensions of time in making repayment if the delinquencies are caused by acts of God or other conditions beyond the control of the port district and the security will not be impaired thereby.

(4) Such provisions as the commission considers necessary to ensure expenditure of the moneys loaned for the purposes provided in ORS 285A.702, including all provisions of ORS 285A.678.

(5) That the commission may cause to be instituted appropriate proceedings to foreclose liens as provided for in ORS 285A.690 (1) and (2) for delinquent loan payments and shall pay the proceeds of any such foreclosure, less their expenses incurred in foreclosing, into the Oregon Port Revolving Fund. [Formerly 285.913]

285A.708 Oregon Port Revolving Fund; creation; purposes; sources; debt limit. (1) There is created within the State Treasury a revolving fund known as the Oregon Port Revolving Fund, separate and distinct from the General Fund. Moneys in this fund are continuously appropriated to the Oregon Economic and Community Development Commission for the following purposes:

(a) Administrative expenses of the commission in processing applications and investigating proposed projects.

(b) Payment of loans to port districts pursuant to ORS 285A.666 to 285A.732.

(c) Administrative expenses of the Ports Division relating to ports. In any one year, administrative expenses charged under this paragraph may not be greater than the total revenues received in that year from fees provided for in subsection (2)(a) of this section, plus three percent of the total asset value of the fund.

(2) The fund created by subsection (1) of this section shall consist of:

(a) Application fees required by ORS 285A.672 (2).

(b) Repayment of moneys loaned to port districts or others from the Oregon Port Revolving Fund, including interest on such moneys.

(c) Payment of such moneys as may be appropriated to the fund by the Legislative Assembly.

(d) Moneys obtained from any interest accrued from such funds.

(3) Outstanding debt on the fund shall not exceed 95 percent of all deposits, accounts payable, and other assets of the fund.

(4) No money shall be expended from the Oregon Port Revolving Fund for any economic development study costing more than \$25,000 unless a work plan and budget for such study has been provided to the Joint Legislative Committee on Trade and Economic Development. [Formerly 285.915; 2001 c.883 §19]

285A.709 Transfers to Port Planning and Marketing Fund. (1) Notwithstanding ORS 285A.708 (1) and 285A.711, available moneys in the Oregon Port Revolving Fund that were accrued as net earned income of the fund may be transferred to the Port Planning and Marketing Fund created under ORS 285A.654.

(2) Notwithstanding ORS 285A.654 (1)(b), moneys transferred to the Port Planning and Marketing Fund under this section may be used for payments of grants under ORS 285A.654 to 285A.660 to ports formed under ORS 285A.603 to 285A.732 or ORS chapter 777 or 778.

(3) In addition to and notwithstanding any other law, an amount not to exceed four percent of the assets of the Oregon Port Revolving Fund as calculated on July 1 of each year shall be transferred to the Port Planning and Marketing Fund under this section. [1987 c.607 §19; 1991 c.539 §2; repealed by 1987 c.607 §20, as amended by 1991 c.539 §3, 1995 c.436 §4 and 1999 c.58 §1; amendments by 2003 c.773 §55 and 2003 c.802 §157 treated as reenactments]

Note: 285A.709 was added to and made a part of 285A.666 to 285A.732 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

285A.711 Use of fund proceeds. All payments, receipts and interest from outstanding indebtedness shall be retained in the Oregon Port Revolving Fund and accumulated for new project disbursement, and repayment of funds allocated pursuant to section 25, chapter 838, Oregon Laws 1977. All interest earnings of the fund from whatever source shall be retained and accumulated in the Oregon Port Revolving Fund and shall be used for projects, and repayment of funds allocated pursuant to section 25, chapter 838, Oregon Laws 1977. [Formerly 285.920; 2001 c.883 §20]

285A.714 [Formerly 285.923; repealed by 1999 c.509 §61]

285A.717 [Formerly 285.927; repealed by 1999 c.509 §61]

285A.720 [Formerly 285.930; repealed by 1999 c.509 §61]

285A.723 [Formerly 285.933; repealed by 1999 c.509 §61]

285A.726 [Formerly 285.935; repealed by 1999 c.509 §61]

285A.729 [Formerly 285.940; repealed by 1999 c.509 §61]

285A.732 Short title. ORS 285A.666 to 285A.711 shall be known as the Oregon Port Revolving Fund Act. [Formerly 285.943]

