

CHAPTER 73

AN ACT

HB 4150

Relating to the Credit Enhancement Fund; creating new provisions; amending ORS 285B.200; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 285B.200 is amended to read: 285B.200. As used in ORS 285B.200 to 285B.218:

(1) "Brownfield" or "brownfields" has the meaning given that term in ORS 285A.185.

(2) "Eligible project costs" includes productive equipment and machinery, working capital for operations and export transactions and such other costs as the Oregon Business Development Department by rule may provide.

(3) "Environmental action" has the meaning given that term in ORS 285A.188.

(4) "Financial institution" includes institutions listed in ORS 706.008 and such other institutions defined by rule of the department as financial institutions for purposes of ORS 285B.200 to 285B.218.

(5) "Qualified business" means any existing or proposed business **located in this state, whether or not located in a distressed area as defined by the department, that:** *[that, except when located within a distressed area, as defined by the department, sells goods or services in markets for which national or international competition exists or that owns, occupies, operates or has entered into an agreement to own, occupy or operate real property containing a brownfield, as defined in ORS 285A.185. The term includes professional services companies providing services to traded sector industries and other entities within and outside of this state.]*

(a) **Is a business that is not in a traded sector industry;**

(b) **Sells goods or services in markets for which national or international competition exists;**

(c) **Owns, occupies, operates or has entered into an agreement to own, occupy or operate real property containing a brownfield; or**

(d) **Is a professional service company that provides services to traded sector industries and other entities within and outside of this state.**

(6) "Traded sector" has the meaning given that term in ORS 285B.280.

~~(6)~~ (7) "Value-added agricultural products" means agricultural products that have been processed, transformed or refined to the point where they may be distributed to a final consumer without further processing, transformation or refining. The term also includes agricultural products that are processed, transformed or refined for distribution to other than final consumers when such processing, transformation or refining represents a substantial increment in value as determined by the Oregon

Business Development Department in consultation with the State Department of Agriculture.

SECTION 2. ORS 285B.200, as amended by section 1 of this 2012 Act, is amended to read:

285B.200. As used in ORS 285B.200 to 285B.218:

(1) "Brownfield" or "brownfields" has the meaning given that term in ORS 285A.185.

(2) "Eligible project costs" includes productive equipment and machinery, working capital for operations and export transactions and such other costs as the Oregon Business Development Department by rule may provide.

(3) "Environmental action" has the meaning given that term in ORS 285A.188.

(4) "Financial institution" includes institutions listed in ORS 706.008 and such other institutions defined by rule of the department as financial institutions for purposes of ORS 285B.200 to 285B.218.

(5) "Qualified business" means any existing or proposed business located in this state, *whether or not located in a distressed area as defined by the department,* that:

(a) *[Is a business that is not in a traded sector industry]* **Is located in a distressed area as defined by the department;**

(b) Sells goods or services in markets for which national or international competition exists;

(c) Owns, occupies, operates or has entered into an agreement to own, occupy or operate real property containing a brownfield; or

(d) Is a professional service company that provides services to traded sector industries and other entities within and outside of this state.

(6) "Traded sector" has the meaning given that term in ORS 285B.280.

(7) "Value-added agricultural products" means agricultural products that have been processed, transformed or refined to the point where they may be distributed to a final consumer without further processing, transformation or refining. The term also includes agricultural products that are processed, transformed or refined for distribution to other than final consumers when such processing, transformation or refining represents a substantial increment in value as determined by the Oregon Business Development Department in consultation with the State Department of Agriculture.

SECTION 3. The amendments to ORS 285B.200 by section 2 of this 2012 Act become operative on July 1, 2015.

SECTION 4. This 2012 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect on its passage.

Approved by the Governor March 27, 2012

Filed in the office of Secretary of State March 27, 2012

Effective date March 27, 2012