



## **Legislative Report for 2012 Session**

### **March 15, 2012**

#### **HB 4006 – Endangered Species Listings – Consultation**

Requires State Fish and Wildlife Commission to consult with affected cities, counties, private landowners and local service districts prior to making determination that species is threatened or endangered. Requires Commission to work with affected cities, counties, private landowners and local service districts to mitigate adverse impact on local economies when Commission adds species to list of threatened species or endangered species. Declares emergency, effective on passage. **ENACTED**

#### **HB 4028 – Extra Money for *ConnectOregon***

Authorizes additional lottery bond authority to for the following purposes: \$10 million to finance grants and loans for transportation projects under the *ConnectOregon* IV program; \$10 million to finance water and sewer infrastructure projects; and \$ 10 million to finance community college capital construction. **DID NOT PASS**

#### **HB 4040 – Oregon Growth Board**

HB 4040 establishes the Oregon Growth Board to support economic development and directs the Board to report, by January 2013, on recommendations for implementing the functions of the Board and on proposed policies for investing and managing monies in the Oregon Growth Fund. The bill also includes provisions that, effective January 1, 2014, establish the Oregon Growth Fund; charge the Oregon Growth Board with administering the Oregon Growth Fund; abolish the Oregon Growth Account Board; transfer oversight of the Oregon Growth Account to the Oregon Growth Board and administration of the Oregon Growth Account from the State Treasurer to the Oregon Business Development Department; and allow the Oregon Growth Account to be used for investments other than in, or providing seed capital to, emerging growth businesses. The bill repeals all provisions that become effective on January 1, 2014 on June 30, 2013, thereby preventing them from becoming operative. These provisions would only become operative if the Legislature removes or modifies the repeal prior to June 30, 2013. **ENACTED**

#### **HB 4050 – Elimination of Ocean Troll Salmon Fishery Lottery System**

Eliminates lottery system for ocean troll salmon fishery. Removes provisions limiting transfer to certain vessels. Stipulates Act does not affect validity of permits issued or renewed prior to effective date of Act. Entry into the ocean troll salmon fishery was unrestricted until 1980 when

a permit moratorium was adopted. Although 4,311 vessels already had Oregon troll permits, a goal of 2,400 vessels licensed to troll for salmon in Oregon was established. The 1993 Oregon Legislative Assembly lowered the ocean troll permit goal to 1,800 vessels, and following the recommendations of an industry panel that reviewed the troll permit status, the 1995 Legislature lowered the permit cap even further to 1,200. As of 1999, the permit numbers had dropped below the 1,200 cap, and lottery proceedings took place in 2001 to issue available permits. In recent years, approximately one third of the issued permits are actually fished in any given season. House Bill 4050 would eliminate the lottery in this fishery permit system. Declares emergency, effective upon passage. **ENACTED**

### **HB 4093 – Enterprise Zones to Attract Business Investment**

Helps to create jobs and spur economic activity by expanding the use of enterprise zones in Oregon. Enterprise zones are designed to encourage business investment in specific areas through property tax relief. In addition to other changes, the bill allows the designation of up to eight additional enterprise zones, five in rural or urban areas and three in rural areas only, while also allowing an increase in the size of enterprise zones from 12 square miles to 15 square miles. **ENACTED**

### **HB 4111 – Sale of Property to Foreclose a Lien**

Under current law, each piece or tract of land is separately sold for an amount equal to the unpaid lien or final assessment for the local improvement. The land could be worth much more, but it cannot be sold at the higher market price. House Bill 4111-A allows each unit of land or tract to be sold for an amount equal to or exceeding the greater of: the amount of unpaid final assessment plus interest, penalties, and cost of the sale; or seventy-five percent of the total assessed value determined by the county assessor plus interest, penalties, and cost of the sale. **ENACTED**

### **HB 4150 – Expanding the Credit Enhancement Fund to Help Small Business Grow**

Supports Oregon small businesses by expanding eligibility for Oregon's Credit Enhancement Fund – thereby helping businesses access capital needed to grow and expand by guaranteeing loans. House Bill 4150 allows non-traded sector businesses, such as retail and service businesses, to apply for loan guarantees through this program until July 1, 2015, helping to leverage \$16.5 million Oregon received last summer in federal funds that are designed to support small business credit. Supports Oregon small businesses by expanding eligibility for Oregon's Credit Enhancement Fund – thereby helping businesses access capital needed to grow and expand by guaranteeing loans. House Bill 4150 allows non-traded sector businesses, such as retail and service businesses, to apply for loan guarantees through this program until July 1, 2015, helping to leverage \$16.5 million Oregon received last summer in federal funds that are designed to support small business credit. **ENACTED**

### **SB 1510 – New Marine Reserves to Protect Ocean Resources**

Directs Oregon Department of Fish and Wildlife (ODFW) to report to Legislative Assembly on or before February 1, 2013 on development of work plan and receipt and use of money to carry out marine reserve statutes. Directs ODFW, State Fish and Wildlife Commission, and State Land Board to implement January 25, 2011 ODFW recommendations on marine reserves boundaries and allowances by adopting rules to establish, study, monitor, evaluate and enforce: marine reserve and two marine protected areas at Cape Falcon; marine reserve and three marine protected areas at Cascade Head; and marine reserve, two marine protected areas and seabird protection area at Cape Perpetua. Stipulates no prohibitions on fishing by rule are permitted until baseline data is collected. Directs ODFW to use local resources where feasible and practical. Directs Scientific and Technical Committee of Ocean Policy Advisory Council to submit draft report to interim legislative committees no later than October 1, 2022 and final report no later than March 1, 2023 regarding designated areas. Requires reports to be researched and prepared within existing resources and without additional appropriation by a public university chosen by the committee, and include specific provisions. Declares emergency, effective upon passage.

**ENACTED**

### **SB 1518 – Fairness in State Contracting**

Prohibits state contracting agency from accepting bid or proposal from contractor if contractor assisted or advised contracting agency in developing solicitation document or materials related to contract for goods and services. Permits contracting agency to apply for exception. Requires Department of Administrative Services to report to Legislative Assembly information about special procurements for goods and services. Requires contracting agencies subject to Department authority to maintain records to enable providing needed information to Department. Allows bidder or proposer to submit personnel deployment disclosure with bid or proposal for contract for goods and services. Allows preference be given to bidder or proposer based on personnel deployment disclosure under certain circumstances. Becomes operative January 1, 2013. Declares emergency, effective on passage. **ENACTED**

### **SB 1532 – Enterprise Zone Face Book Fix**

Clarifies that a company that is an owner or lessee of a data center is not a centrally assessed property under ORS 308.515 if certain conditions are met. The conditions are that the company has invested in a data center or related property, the property is part of an enterprise zone agreement and the data center investment represents more than 95% of total property owned in the state. Applies to property tax years beginning on or after July 1, 2012. **ENACTED**

### **SB 1533 – Green Energy Set-a-side**

Revises requirement that contracting agencies include an amount in contracts for construction, reconstruction or major renovation of public buildings equivalent to 1.5 percent of the total contract price for the inclusion of solar technologies to allow for inclusion of geothermal electricity generation or direct use of geothermal energy. **ENACTED**

### **SB 1543 – Transportation Funding and Pilotage Issue**

Directs the Oregon Transportation Commission to report annually to the legislative committees on transportation regarding funding available for transportation projects outlined in section 64 of House Bill 2001 (2009). Directs the Commission to reallocate any unspent balance from I-5/I-205 interchange project upon completion to I-84 interchange at 257th Avenue project. Directs the Commission to reallocate any unspent balance from U.S. Highway 26, 185th to Cornell Road project upon completion to U.S. 26 and Shute Road interchange project. Prohibits licensees and trainees from piloting a vessel on the Coos Bay bar pilotage ground or Yaquina Bay pilotage ground if the individual or an immediate family member has any financial interest in a boat or equipment assisting the vessel in entering or exiting the bay. Allows owning stock in a corporation registered on a national securities exchange that owns tugboats in operation on either pilotage ground. Directs the State Marine Board to adopt rules allowing prohibited individuals to pilot vessels in emergencies and to fix rates for doing so. Sets operative date for pilotage provisions on January 1, 2013. Declares an emergency, effective on passage. **ENACTED**

### **SB 1556 – Buy America preference for transit vehicles**

Allows transit agencies to give greater preference to American products when making orders for transit vehicles. This gives Oregon's communities the opportunity to invest more of their public transit funds in American jobs as they see fit. **ENACTED**

### **SB 1558 – Bonding for Economic Development**

The Oregon Business Development Department is currently authorized under ORS 285b.323 to utilize bond proceeds to provide financing for economic development projects. The statute currently defines "economic development project" as real or personal properties used or useful in connection with a revenue producing enterprise, an exempt facility or nonprofit entity, and vehicles, rolling stock and equipment related to an enterprise, facility or entity. This measure expands the definition of "economic development project" to include the above, as well as: research and development conducted in Oregon or related to products that the Department finds will be produced in Oregon; estimated initial operating expenses associated with a capital asset; and refinancing of an existing loan when doing so facilitates the financing or operation of a capital asset such as those listed above. The amendment in the house puts restrictions on the type of companies who are allowed (Oregon companies) to utilize these provisions, and specifies operating capital (without a 3 year allowance) and Research and Development (R&D) activities as eligible in the expansion of allowable uses of the bond proceeds. **ENACTED**

### **SB 1582 – Wetland Determinations**

Authorizes person to request independent review of determinations by Department of State Lands (DSL) after first applying for reconsideration of determination. Directs DSL, upon receipt of request, to enter into agreement with requestor, under which a panel of independent reviewers may modify determination. Allows DSL to not enter into agreement if person does not agree to make panel decision final and binding. Sets criteria and selection process for reviewers. Applies to DSL determinations made on or after effective date of Act. Repeals provisions related to

independent review on January 2, 2022. Directs DSL to give priority to review of wetland delineation report that is submitted with or in advance of permit application if permit would authorize activities on land subject to report. Requires wetland delineation determinations to be made by person with expertise in wetlands hydrology, soil and vegetation. Establishes that wetland delineation determinations by DSL expire **10** years after date on which determination is made. Directs person or governmental body, within five years of determination that wetlands are present on specific land parcel, to examine for changes in wetlands hydrology, soil and vegetation. Directs submittal of evidence of change to DSL if it is determined that changes have occurred. Establishes that, if DSL determines sufficient change has taken place, person or governmental body must submit new report. Directs delineations to comport with United States Army Corps of Engineers Wetland Delineation Manual of 1987 and any subsequent federal supplements. Applies to delineations submitted to DSL after effective date of Act. **ENACTED**