

NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services-Office of Minority Women and Emerging Small Business		445
Agency and Division	Administrative Rules Chapter Number	
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Rules Coordinator	Address	Telephone

RULE CAPTION

The Emerging Small Business eligibility requirements are modified to create a two-tier designation system.
Not more than 15 words that reasonably identifies the subject matter of the agency’s intended action.

RULEMAKING ACTION

AMEND:
445-050-0115, 445-050-0125 and 445-050-0135

ORS 200.055	_____
Stat. Auth.	Other Authority

2005 Oregon Laws Chapter 683	_____
Stats. Implemented	

RULE SUMMARY

These rule changes implement the following changes made by 2005 Oregon Laws Chapter 683 :
Creates a two-tier system for certification of emerging small businesses and modifies the qualifications by increasing the employee and gross-receipts thresholds. “Tier one firm” means a business that employs fewer than 20 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$1.5 million for a business performing construction, as defined in ORS 446.310, or \$600,000 for a business not performing construction. “Tier two firm” means a business that employs fewer than 30 full-time equivalent employees and has average annual gross receipts for the last three years that do not exceed \$3 million for a business performing construction, as defined in ORS 446.310, or \$1 million for a business not performing construction.

Increases the limit on certification from seven to twelve years, six years at each tier. Allows reinstatement of a formerly certified business if the business still qualifies as an emerging small business and has eligibility remaining.

Transfers the Emerging Small Business Account from the Consumer and Business Services Fund to the State Highway Fund.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule’s substantive goals while reducing the negative economic impact of the rule on business.

December 21, 2005
Last Day for Public Comment
Last day to submit written comments to the Rules Coordinator

Signature
Raleigh Lewis

Printed name
Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 923-2005