

**PROPOSED AMENDMENTS TO
HOUSE BILL 4040**

1 On page 1 of the printed bill, line 2, after “192.502,” insert “244.050,”.

2 On page 2, delete line 18 and insert “who reflect the identity of the Leg-
3 islative Assembly by political party affiliation at the time the persons are
4 appointed and who are”.

5 Delete lines 24 through 28 and insert:

6 “(C) Four members shall be appointed as follows:

7 “(i) One member with experience in banking;

8 “(ii) One member with experience in credit union operations;

9 “(iii) One member with experience managing investments; and

10 “(iv) One member with experience as a small business employer in this
11 state.”.

12 On page 3, delete lines 44 and 45 and insert:

13 (4) To qualify or certify businesses that invest in the Oregon Growth
14 Fund for any investment incentive approved by the board.”.

15 On page 4, delete line 1.

16 In line 11, after the period insert “Delegation of duties, functions or
17 powers under this paragraph must be done pursuant to written agreement.”.

18 Delete lines 12 through 15.

19 In line 16, delete “(7)” and insert “(6)”.

20 In line 19, delete “(8)” and insert “(7)”.

21 In line 21, delete “and”.

22 After line 21, insert:

1 “(b) Guidelines regarding the amount and type of leverage to maximize
2 investments and any other resources available to, and subject to the au-
3 thority of, the board; and”.

4 In line 22, delete “(b)” and insert “(c)”.

5 In line 24, delete “(9)” and insert “(8)”.

6 Delete lines 41 and 42.

7 In line 43, delete “(3)” and insert “(2)”.

8 On page 5, line 6, delete “(4)” and insert “(3)”.

9 In line 9, delete “(5)” and insert “(4)”.

10 Delete lines 31 through 38 and insert:

11 **“SECTION 8. The Oregon Growth Board shall submit a report to the**
12 **Legislative Assembly on or before January 1, 2013. The report required**
13 **by this section shall include a proposal for a plan that includes, but**
14 **is not limited to:**

15 **“(1) Recommendations for the implementation and administration**
16 **of sections 1 to 7 of this 2012 Act;**

17 **“(2) Policies and procedures for investment and management of**
18 **moneys in the Oregon Growth Fund;**

19 **“(3) Recommendations regarding duties, functions and powers of**
20 **the Oregon Growth Board; and**

21 **“(4) Recommendations for legislation relating to the Oregon Growth**
22 **Board and the Oregon Growth Fund that will further economic devel-**
23 **opment.**

24 **“SECTION 9. ORS 244.050 is amended to read:**

25 **“244.050. (1) On or before April 15 of each year the following persons shall**
26 **file with the Oregon Government Ethics Commission a verified statement of**
27 **economic interest as required under this chapter:**

28 **“(a) The Governor, Secretary of State, State Treasurer, Attorney General,**
29 **Commissioner of the Bureau of Labor and Industries, district attorneys and**
30 **members of the Legislative Assembly.**

1 “(b) Any judicial officer, including justices of the peace and municipal
2 judges, except any pro tem judicial officer who does not otherwise serve as
3 a judicial officer.

4 “(c) Any candidate for a public office designated in paragraph (a) or (b)
5 of this subsection.

6 “(d) The Deputy Attorney General.

7 “(e) The Legislative Administrator, the Legislative Counsel, the Legisla-
8 tive Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the
9 House of Representatives.

10 “(f) The Chancellor and Vice Chancellors of the Oregon University Sys-
11 tem and the president and vice presidents, or their administrative equiv-
12 alents, in each public university listed in ORS 352.002.

13 “(g) The following state officers:

14 “(A) Adjutant General.

15 “(B) Director of Agriculture.

16 “(C) Manager of State Accident Insurance Fund Corporation.

17 “(D) Water Resources Director.

18 “(E) Director of Department of Environmental Quality.

19 “(F) Director of Oregon Department of Administrative Services.

20 “(G) State Fish and Wildlife Director.

21 “(H) State Forester.

22 “(I) State Geologist.

23 “(J) Director of Human Services.

24 “(K) Director of the Department of Consumer and Business Services.

25 “(L) Director of the Department of State Lands.

26 “(M) State Librarian.

27 “(N) Administrator of Oregon Liquor Control Commission.

28 “(O) Superintendent of State Police.

29 “(P) Director of the Public Employees Retirement System.

30 “(Q) Director of Department of Revenue.

- 1 “(R) Director of Transportation.
- 2 “(S) Public Utility Commissioner.
- 3 “(T) Director of Veterans’ Affairs.
- 4 “(U) Executive director of Oregon Government Ethics Commission.
- 5 “(V) Director of the State Department of Energy.
- 6 “(W) Director and each assistant director of the Oregon State Lottery.
- 7 “(X) Director of the Department of Corrections.
- 8 “(Y) Director of the Oregon Department of Aviation.
- 9 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 10 “(AA) Director of the Oregon Business Development Department.
- 11 “(BB) Director of the Office of Emergency Management.
- 12 “(CC) Director of the Employment Department.
- 13 “(DD) Chief of staff for the Governor.
- 14 “(EE) Administrator of the Office for Oregon Health Policy and Research.
- 15 “(FF) Director of the Housing and Community Services Department.
- 16 “(GG) State Court Administrator.
- 17 “(HH) Director of the Department of Land Conservation and Develop-
- 18 ment.
- 19 “(II) Board chairperson of the Land Use Board of Appeals.
- 20 “(JJ) State Marine Director.
- 21 “(KK) Executive director of the Oregon Racing Commission.
- 22 “(LL) State Parks and Recreation Director.
- 23 “(MM) Public defense services executive director.
- 24 “(NN) Chairperson of the Public Employees’ Benefit Board.
- 25 “(OO) Director of the Department of Public Safety Standards and Train-
- 26 ing.
- 27 “(PP) Chairperson of the Oregon Student Access Commission.
- 28 “(QQ) Executive director of the Oregon Watershed Enhancement Board.
- 29 “(RR) Director of the Oregon Youth Authority.
- 30 “(SS) Director of the Oregon Health Authority.

- 1 “(TT) Deputy Superintendent of Public Instruction.
- 2 “(h) Any assistant in the Governor’s office other than personal secretaries
3 and clerical personnel.
- 4 “(i) Every elected city or county official.
- 5 “(j) Every member of a city or county planning, zoning or development
6 commission.
- 7 “(k) The chief executive officer of a city or county who performs the du-
8 ties of manager or principal administrator of the city or county.
- 9 “(L) Members of local government boundary commissions formed under
10 ORS 199.410 to 199.519.
- 11 “(m) Every member of a governing body of a metropolitan service district
12 and the executive officer thereof.
- 13 “(n) Each member of the board of directors of the State Accident Insur-
14 ance Fund Corporation.
- 15 “(o) The chief administrative officer and the financial officer of each
16 common and union high school district, education service district and com-
17 munity college district.
- 18 “(p) Every member of the following state boards and commissions:
- 19 “(A) Board of Geologic and Mineral Industries.
- 20 “(B) Oregon Business Development Commission.
- 21 “(C) State Board of Education.
- 22 “(D) Environmental Quality Commission.
- 23 “(E) Fish and Wildlife Commission of the State of Oregon.
- 24 “(F) State Board of Forestry.
- 25 “(G) Oregon Government Ethics Commission.
- 26 “(H) Oregon Health Policy Board.
- 27 “(I) State Board of Higher Education.
- 28 “(J) Oregon Investment Council.
- 29 “(K) Land Conservation and Development Commission.
- 30 “(L) Oregon Liquor Control Commission.

1 “(M) Oregon Short Term Fund Board.
2 “(N) State Marine Board.
3 “(O) Mass transit district boards.
4 “(P) Energy Facility Siting Council.
5 “(Q) Board of Commissioners of the Port of Portland.
6 “(R) Employment Relations Board.
7 “(S) Public Employees Retirement Board.
8 “(T) Oregon Racing Commission.
9 “(U) Oregon Transportation Commission.
10 “(V) Wage and Hour Commission.
11 “(W) Water Resources Commission.
12 “(X) Workers’ Compensation Board.
13 “(Y) Oregon Facilities Authority.
14 “(Z) Oregon State Lottery Commission.
15 “(AA) Pacific Northwest Electric Power and Conservation Planning
16 Council.
17 “(BB) Columbia River Gorge Commission.
18 “(CC) Oregon Health and Science University Board of Directors.
19 “(DD) Capitol Planning Commission.
20 “(EE) Higher Education Coordinating Commission.
21 **“(FF) Oregon Growth Board.**
22 “(q) The following officers of the State Treasurer:
23 “(A) Deputy State Treasurer.
24 “(B) Chief of staff for the office of the State Treasurer.
25 “(C) Director of the Investment Division.
26 “(r) Every member of the board of commissioners of a port governed by
27 ORS 777.005 to 777.725 or 777.915 to 777.953.
28 “(s) Every member of the board of directors of an authority created under
29 ORS 441.525 to 441.595.
30 “(2) By April 15 next after the date an appointment takes effect, every

1 appointed public official on a board or commission listed in subsection (1)
2 of this section shall file with the Oregon Government Ethics Commission a
3 statement of economic interest as required under ORS 244.060, 244.070 and
4 244.090.

5 “(3) By April 15 next after the filing deadline for the primary election,
6 each candidate described in subsection (1) of this section shall file with the
7 commission a statement of economic interest as required under ORS 244.060,
8 244.070 and 244.090.

9 “(4) Within 30 days after the filing deadline for the general election, each
10 candidate described in subsection (1) of this section who was not a candidate
11 in the preceding primary election, or who was nominated for public office
12 described in subsection (1) of this section at the preceding primary election
13 by write-in votes, shall file with the commission a statement of economic
14 interest as required under ORS 244.060, 244.070 and 244.090.

15 “(5) Subsections (1) to (4) of this section apply only to persons who are
16 incumbent, elected or appointed public officials as of April 15 and to persons
17 who are candidates on April 15. Subsections (1) to (4) of this section also
18 apply to persons who do not become candidates until 30 days after the filing
19 deadline for the statewide general election.

20 “(6) If a statement required to be filed under this section has not been
21 received by the commission within five days after the date the statement is
22 due, the commission shall notify the public official or candidate and give the
23 public official or candidate not less than 15 days to comply with the re-
24 quirements of this section. If the public official or candidate fails to comply
25 by the date set by the commission, the commission may impose a civil pen-
26 alty as provided in ORS 244.350.

27 **“SECTION 9a.** ORS 244.050, as operative until July 1, 2012, is amended
28 to read:

29 “244.050. (1) On or before April 15 of each year the following persons shall
30 file with the Oregon Government Ethics Commission a verified statement of

1 economic interest as required under this chapter:

2 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,
3 Commissioner of the Bureau of Labor and Industries, district attorneys and
4 members of the Legislative Assembly.

5 “(b) Any judicial officer, including justices of the peace and municipal
6 judges, except any pro tem judicial officer who does not otherwise serve as
7 a judicial officer.

8 “(c) Any candidate for a public office designated in paragraph (a) or (b)
9 of this subsection.

10 “(d) The Deputy Attorney General.

11 “(e) The Legislative Administrator, the Legislative Counsel, the Legisla-
12 tive Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the
13 House of Representatives.

14 “(f) The Chancellor and Vice Chancellors of the Oregon University Sys-
15 tem and the president and vice presidents, or their administrative equiv-
16 alents, in each public university listed in ORS 352.002.

17 “(g) The following state officers:

18 “(A) Adjutant General.

19 “(B) Director of Agriculture.

20 “(C) Manager of State Accident Insurance Fund Corporation.

21 “(D) Water Resources Director.

22 “(E) Director of Department of Environmental Quality.

23 “(F) Director of Oregon Department of Administrative Services.

24 “(G) State Fish and Wildlife Director.

25 “(H) State Forester.

26 “(I) State Geologist.

27 “(J) Director of Human Services.

28 “(K) Director of the Department of Consumer and Business Services.

29 “(L) Director of the Department of State Lands.

30 “(M) State Librarian.

- 1 “(N) Administrator of Oregon Liquor Control Commission.
2 “(O) Superintendent of State Police.
3 “(P) Director of the Public Employees Retirement System.
4 “(Q) Director of Department of Revenue.
5 “(R) Director of Transportation.
6 “(S) Public Utility Commissioner.
7 “(T) Director of Veterans’ Affairs.
8 “(U) Executive director of Oregon Government Ethics Commission.
9 “(V) Director of the State Department of Energy.
10 “(W) Director and each assistant director of the Oregon State Lottery.
11 “(X) Director of the Department of Corrections.
12 “(Y) Director of the Oregon Department of Aviation.
13 “(Z) Executive director of the Oregon Criminal Justice Commission.
14 “(AA) Director of the Oregon Business Development Department.
15 “(BB) Director of the Office of Emergency Management.
16 “(CC) Director of the Employment Department.
17 “(DD) Chief of staff for the Governor.
18 “(EE) Administrator of the Office for Oregon Health Policy and Research.
19 “(FF) Director of the Housing and Community Services Department.
20 “(GG) State Court Administrator.
21 “(HH) Director of the Department of Land Conservation and Develop-
22 ment.
23 “(II) Board chairperson of the Land Use Board of Appeals.
24 “(JJ) State Marine Director.
25 “(KK) Executive director of the Oregon Racing Commission.
26 “(LL) State Parks and Recreation Director.
27 “(MM) Public defense services executive director.
28 “(NN) Chairperson of the Public Employees’ Benefit Board.
29 “(OO) Director of the Department of Public Safety Standards and Train-
30 ing.

- 1 “(PP) Chairperson of the Oregon Student Access Commission.
- 2 “(QQ) Executive director of the Oregon Watershed Enhancement Board.
- 3 “(RR) Director of the Oregon Youth Authority.
- 4 “(SS) Director of the Oregon Health Authority.
- 5 “(TT) Deputy Superintendent of Public Instruction.
- 6 “(h) Any assistant in the Governor’s office other than personal secretaries
7 and clerical personnel.
- 8 “(i) Every elected city or county official.
- 9 “(j) Every member of a city or county planning, zoning or development
10 commission.
- 11 “(k) The chief executive officer of a city or county who performs the du-
12 ties of manager or principal administrator of the city or county.
- 13 “(L) Members of local government boundary commissions formed under
14 ORS 199.410 to 199.519.
- 15 “(m) Every member of a governing body of a metropolitan service district
16 and the executive officer thereof.
- 17 “(n) Each member of the board of directors of the State Accident Insur-
18 ance Fund Corporation.
- 19 “(o) The chief administrative officer and the financial officer of each
20 common and union high school district, education service district and com-
21 munity college district.
- 22 “(p) Every member of the following state boards and commissions:
- 23 “(A) Board of Geologic and Mineral Industries.
- 24 “(B) Oregon Business Development Commission.
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- 26 “(D) Environmental Quality Commission.
- 27 “(E) Fish and Wildlife Commission of the State of Oregon.
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20 Council.
- 21 “(BB) Columbia River Gorge Commission.
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- 23 “(DD) Capitol Planning Commission.
- 24 “**(EE) Oregon Growth Board.**
- 25 “(q) The following officers of the State Treasurer:
- 26 “(A) Deputy State Treasurer.
- 27 “(B) Chief of staff for the office of the State Treasurer.
- 28 “(C) Director of the Investment Division.
- 29 “(r) Every member of the board of commissioners of a port governed by
30 ORS 777.005 to 777.725 or 777.915 to 777.953.

1 “(s) Every member of the board of directors of an authority created under
2 ORS 441.525 to 441.595.

3 “(2) By April 15 next after the date an appointment takes effect, every
4 appointed public official on a board or commission listed in subsection (1)
5 of this section shall file with the Oregon Government Ethics Commission a
6 statement of economic interest as required under ORS 244.060, 244.070 and
7 244.090.

8 “(3) By April 15 next after the filing deadline for the primary election,
9 each candidate described in subsection (1) of this section shall file with the
10 commission a statement of economic interest as required under ORS 244.060,
11 244.070 and 244.090.

12 “(4) Within 30 days after the filing deadline for the general election, each
13 candidate described in subsection (1) of this section who was not a candidate
14 in the preceding primary election, or who was nominated for public office
15 described in subsection (1) of this section at the preceding primary election
16 by write-in votes, shall file with the commission a statement of economic
17 interest as required under ORS 244.060, 244.070 and 244.090.

18 “(5) Subsections (1) to (4) of this section apply only to persons who are
19 incumbent, elected or appointed public officials as of April 15 and to persons
20 who are candidates on April 15. Subsections (1) to (4) of this section also
21 apply to persons who do not become candidates until 30 days after the filing
22 deadline for the statewide general election.

23 “(6) If a statement required to be filed under this section has not been
24 received by the commission within five days after the date the statement is
25 due, the commission shall notify the public official or candidate and give the
26 public official or candidate not less than 15 days to comply with the re-
27 quirements of this section. If the public official or candidate fails to comply
28 by the date set by the commission, the commission may impose a civil pen-
29 alty as provided in ORS 244.350.

30

1 **“TRANSFER OF FUNDS FROM EDUCATION STABILITY FUND**
2 **TO OREGON GROWTH FUND UPON ABOLISHMENT OF**
3 **OREGON GROWTH ACCOUNT BOARD AND**
4 **OREGON GROWTH ACCOUNT”.**

5 In line 39, delete “9” and insert “9b”.

6 On page 17, delete lines 21 through 30 and insert:

7
8 **“OPERATIVE DATE RELATING TO**
9 **OREGON GROWTH BOARD, OREGON GROWTH FUND AND**
10 **TRANSFER OF AUTHORITY**

11
12 **“SECTION 26. Sections 5, 6, 7, 9b and 11 to 18 of this 2012 Act, the**
13 **amendments to ORS 192.502, 284.701, 284.706, 284.731, 293.733, 293.761 and**
14 **293.796 by sections 19 to 25 of this 2012 Act and the repeal of ORS**
15 **348.701, 348.702, 348.703, 348.704, 348.706, 348.707 and 348.710 and section**
16 **7, chapter 805, Oregon Laws 2009, by section 10 of this 2012 Act become**
17 **operative on January 2, 2014.**

18
19 **“REPEAL OF PROVISIONS RELATING TO THE**
20 **OREGON GROWTH BOARD AND**
21 **THE OREGON GROWTH FUND AND**
22 **TRANSFER OF AUTHORITY**

23
24 **“SECTION 27. Sections 5, 6, 7, 9b, 10 (repealing ORS 348.701, 348.702,**
25 **348.703, 348.704, 348.706, 348.707 and 348.710 and section 7, chapter 805,**
26 **Oregon Laws 2009), 11 to 18 and 26 of this 2012 Act are repealed on the**
27 **operative date specified in section 28 of this 2012 Act.**

28 **“SECTION 28. The repeal of sections 5, 6, 7, 9b, 10 (repealing ORS**
29 **348.701, 348.702, 348.703, 348.704, 348.706, 348.707 and 348.710 and section**
30 **7, chapter 805, Oregon Laws 2009), 11 to 18 and 26 of this 2012 Act by**

1 **section 27 of this 2012 Act becomes operative on June 30, 2013.**

2 **“SECTION 29.** ORS 244.050, as amended by section 9 of this 2012 Act, is
3 amended to read:

4 “244.050. (1) On or before April 15 of each year the following persons shall
5 file with the Oregon Government Ethics Commission a verified statement of
6 economic interest as required under this chapter:

7 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,
8 Commissioner of the Bureau of Labor and Industries, district attorneys and
9 members of the Legislative Assembly.

10 “(b) Any judicial officer, including justices of the peace and municipal
11 judges, except any pro tem judicial officer who does not otherwise serve as
12 a judicial officer.

13 “(c) Any candidate for a public office designated in paragraph (a) or (b)
14 of this subsection.

15 “(d) The Deputy Attorney General.

16 “(e) The Legislative Administrator, the Legislative Counsel, the Legisla-
17 tive Fiscal Officer, the Secretary of the Senate and the Chief Clerk of the
18 House of Representatives.

19 “(f) The Chancellor and Vice Chancellors of the Oregon University Sys-
20 tem and the president and vice presidents, or their administrative equiv-
21 alents, in each public university listed in ORS 352.002.

22 “(g) The following state officers:

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25 “(C) Manager of State Accident Insurance Fund Corporation.

26 “(D) Water Resources Director.

27 “(E) Director of Department of Environmental Quality.

28 “(F) Director of Oregon Department of Administrative Services.

29 “(G) State Fish and Wildlife Director.

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- 1 “(I) State Geologist.
- 2 “(J) Director of Human Services.
- 3 “(K) Director of the Department of Consumer and Business Services.
- 4 “(L) Director of the Department of State Lands.
- 5 “(M) State Librarian.
- 6 “(N) Administrator of Oregon Liquor Control Commission.
- 7 “(O) Superintendent of State Police.
- 8 “(P) Director of the Public Employees Retirement System.
- 9 “(Q) Director of Department of Revenue.
- 10 “(R) Director of Transportation.
- 11 “(S) Public Utility Commissioner.
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- 11 “(h) Any assistant in the Governor’s office other than personal secretaries
12 and clerical personnel.
- 13 “(i) Every elected city or county official.
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15 commission.
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17 ties of manager or principal administrator of the city or county.
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19 ORS 199.410 to 199.519.
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21 and the executive officer thereof.
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26 munity college district.
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2 “(A) Deputy State Treasurer.

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6 ORS 777.005 to 777.725 or 777.915 to 777.953.

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8 ORS 441.525 to 441.595.

9 “(2) By April 15 next after the date an appointment takes effect, every
10 appointed public official on a board or commission listed in subsection (1)
11 of this section shall file with the Oregon Government Ethics Commission a
12 statement of economic interest as required under ORS 244.060, 244.070 and
13 244.090.

14 “(3) By April 15 next after the filing deadline for the primary election,
15 each candidate described in subsection (1) of this section shall file with the
16 commission a statement of economic interest as required under ORS 244.060,
17 244.070 and 244.090.

18 “(4) Within 30 days after the filing deadline for the general election, each
19 candidate described in subsection (1) of this section who was not a candidate
20 in the preceding primary election, or who was nominated for public office
21 described in subsection (1) of this section at the preceding primary election
22 by write-in votes, shall file with the commission a statement of economic
23 interest as required under ORS 244.060, 244.070 and 244.090.

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26 who are candidates on April 15. Subsections (1) to (4) of this section also
27 apply to persons who do not become candidates until 30 days after the filing
28 deadline for the statewide general election.

29 “(6) If a statement required to be filed under this section has not been
30 received by the commission within five days after the date the statement is

1 due, the commission shall notify the public official or candidate and give the
2 public official or candidate not less than 15 days to comply with the re-
3 quirements of this section. If the public official or candidate fails to comply
4 by the date set by the commission, the commission may impose a civil pen-
5 alty as provided in ORS 244.350.

6 **SECTION 30.** ORS 192.502, as amended by section 19 of this 2012 Act,
7 is amended to read:

8 “192.502. The following public records are exempt from disclosure under
9 ORS 192.410 to 192.505:

10 “(1) Communications within a public body or between public bodies of an
11 advisory nature to the extent that they cover other than purely factual ma-
12 terials and are preliminary to any final agency determination of policy or
13 action. This exemption shall not apply unless the public body shows that in
14 the particular instance the public interest in encouraging frank communi-
15 cation between officials and employees of public bodies clearly outweighs the
16 public interest in disclosure.

17 “(2) Information of a personal nature such as but not limited to that kept
18 in a personal, medical or similar file, if public disclosure would constitute
19 an unreasonable invasion of privacy, unless the public interest by clear and
20 convincing evidence requires disclosure in the particular instance. The party
21 seeking disclosure shall have the burden of showing that public disclosure
22 would not constitute an unreasonable invasion of privacy.

23 “(3) Public body employee or volunteer addresses, Social Security num-
24 bers, dates of birth and telephone numbers contained in personnel records
25 maintained by the public body that is the employer or the recipient of vol-
26 unteer services. This exemption:

27 “(a) Does not apply to the addresses, dates of birth and telephone numbers
28 of employees or volunteers who are elected officials, except that a judge or
29 district attorney subject to election may seek to exempt the judge’s or dis-
30 trict attorney’s address or telephone number, or both, under the terms of

1 ORS 192.445;

2 “(b) Does not apply to employees or volunteers to the extent that the
3 party seeking disclosure shows by clear and convincing evidence that the
4 public interest requires disclosure in a particular instance;

5 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
6 when requested by a professional education association of which the substi-
7 tute teacher may be a member; and

8 “(d) Does not relieve a public employer of any duty under ORS 243.650 to
9 243.782.

10 “(4) Information submitted to a public body in confidence and not other-
11 wise required by law to be submitted, where such information should rea-
12 sonably be considered confidential, the public body has obliged itself in good
13 faith not to disclose the information, and when the public interest would
14 suffer by the disclosure.

15 “(5) Information or records of the Department of Corrections, including
16 the State Board of Parole and Post-Prison Supervision, to the extent that
17 disclosure would interfere with the rehabilitation of a person in custody of
18 the department or substantially prejudice or prevent the carrying out of the
19 functions of the department, if the public interest in confidentiality clearly
20 outweighs the public interest in disclosure.

21 “(6) Records, reports and other information received or compiled by the
22 Director of the Department of Consumer and Business Services in the ad-
23 ministration of ORS chapters 723 and 725 not otherwise required by law to
24 be made public, to the extent that the interests of lending institutions, their
25 officers, employees and customers in preserving the confidentiality of such
26 information outweighs the public interest in disclosure.

27 “(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

28 “(8) Any public records or information the disclosure of which is prohib-
29 ited by federal law or regulations.

30 “(9)(a) Public records or information the disclosure of which is prohibited

1 or restricted or otherwise made confidential or privileged under Oregon law.

2 “(b) Subject to ORS 192.423, paragraph (a) of this subsection does not
3 apply to factual information compiled in a public record when:

4 “(A) The basis for the claim of exemption is ORS 40.225;

5 “(B) The factual information is not prohibited from disclosure under any
6 applicable state or federal law, regulation or court order and is not other-
7 wise exempt from disclosure under ORS 192.410 to 192.505;

8 “(C) The factual information was compiled by or at the direction of an
9 attorney as part of an investigation on behalf of the public body in response
10 to information of possible wrongdoing by the public body;

11 “(D) The factual information was not compiled in preparation for liti-
12 gation, arbitration or an administrative proceeding that was reasonably
13 likely to be initiated or that has been initiated by or against the public body;
14 and

15 “(E) The holder of the privilege under ORS 40.225 has made or authorized
16 a public statement characterizing or partially disclosing the factual infor-
17 mation compiled by or at the attorney’s direction.

18 “(10) Public records or information described in this section, furnished
19 by the public body originally compiling, preparing or receiving them to any
20 other public officer or public body in connection with performance of the
21 duties of the recipient, if the considerations originally giving rise to the
22 confidential or exempt nature of the public records or information remain
23 applicable.

24 “(11) Records of the Energy Facility Siting Council concerning the review
25 or approval of security programs pursuant to ORS 469.530.

26 “(12) Employee and retiree address, telephone number and other nonfi-
27 nancial membership records and employee financial records maintained by
28 the Public Employees Retirement System pursuant to ORS chapters 238 and
29 238A.

30 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-

1 ment Council or the agents of the treasurer or the council relating to active
2 or proposed publicly traded investments under ORS chapter 293, including
3 but not limited to records regarding the acquisition, exchange or liquidation
4 of the investments. For the purposes of this subsection:

5 “(a) The exemption does not apply to:

6 “(A) Information in investment records solely related to the amount paid
7 directly into an investment by, or returned from the investment directly to,
8 the treasurer or council; or

9 “(B) The identity of the entity to which the amount was paid directly or
10 from which the amount was received directly.

11 “(b) An investment in a publicly traded investment is no longer active
12 when acquisition, exchange or liquidation of the investment has been con-
13 cluded.

14 “(14)(a) Records of or submitted to the State Treasurer, the Oregon In-
15 vestment Council[, *the Oregon Growth Board*] or the agents of the treasurer,
16 council or board relating to actual or proposed investments under ORS
17 chapter 293 or 348 in a privately placed investment fund or a private asset
18 including but not limited to records regarding the solicitation, acquisition,
19 deployment, exchange or liquidation of the investments including but not
20 limited to:

21 “(A) Due diligence materials that are proprietary to an investment fund,
22 to an asset ownership or to their respective investment vehicles.

23 “(B) Financial statements of an investment fund, an asset ownership or
24 their respective investment vehicles.

25 “(C) Meeting materials of an investment fund, an asset ownership or their
26 respective investment vehicles.

27 “(D) Records containing information regarding the portfolio positions in
28 which an investment fund, an asset ownership or their respective investment
29 vehicles invest.

30 “(E) Capital call and distribution notices of an investment fund, an asset

1 ownership or their respective investment vehicles.

2 “(F) Investment agreements and related documents.

3 “(b) The exemption under this subsection does not apply to:

4 “(A) The name, address and vintage year of each privately placed invest-
5 ment fund.

6 “(B) The dollar amount of the commitment made to each privately placed
7 investment fund since inception of the fund.

8 “(C) The dollar amount of cash contributions made to each privately
9 placed investment fund since inception of the fund.

10 “(D) The dollar amount, on a fiscal year-end basis, of cash distributions
11 received by the State Treasurer, the Oregon Investment Council[, *the Oregon*
12 *Growth Board*] or the agents of the treasurer, council or board from each
13 privately placed investment fund.

14 “(E) The dollar amount, on a fiscal year-end basis, of the remaining value
15 of assets in a privately placed investment fund attributable to an investment
16 by the State Treasurer, the Oregon Investment Council[, *the Oregon Growth*
17 *Board*] or the agents of the treasurer, council or board.

18 “(F) The net internal rate of return of each privately placed investment
19 fund since inception of the fund.

20 “(G) The investment multiple of each privately placed investment fund
21 since inception of the fund.

22 “(H) The dollar amount of the total management fees and costs paid on
23 an annual fiscal year-end basis to each privately placed investment fund.

24 “(I) The dollar amount of cash profit received from each privately placed
25 investment fund on a fiscal year-end basis.

26 “(15) The monthly reports prepared and submitted under ORS 293.761 and
27 293.766 concerning the Public Employees Retirement Fund and the Industrial
28 Accident Fund may be uniformly treated as exempt from disclosure for a
29 period of up to 90 days after the end of the calendar quarter.

30 “(16) Reports of unclaimed property filed by the holders of such property

1 to the extent permitted by ORS 98.352.

2 “(17)(a) The following records, communications and information submitted
3 to the Oregon Business Development Commission, the Oregon Business De-
4 velopment Department, the State Department of Agriculture, [*the Oregon*
5 *Growth Board,*] the Port of Portland or other ports as defined in ORS 777.005,
6 or a county or city governing body and any board, department, commission,
7 council or agency thereof, by applicants for investment funds, grants, loans,
8 services or economic development moneys, support or assistance including,
9 but not limited to, those described in ORS 285A.224:

10 “(A) Personal financial statements.

11 “(B) Financial statements of applicants.

12 “(C) Customer lists.

13 “(D) Information of an applicant pertaining to litigation to which the
14 applicant is a party if the complaint has been filed, or if the complaint has
15 not been filed, if the applicant shows that such litigation is reasonably likely
16 to occur; this exemption does not apply to litigation which has been con-
17 cluded, and nothing in this subparagraph shall limit any right or opportunity
18 granted by discovery or deposition statutes to a party to litigation or po-
19 tential litigation.

20 “(E) Production, sales and cost data.

21 “(F) Marketing strategy information that relates to applicant’s plan to
22 address specific markets and applicant’s strategy regarding specific compet-
23 itors.

24 “(b) The following records, communications and information submitted to
25 the State Department of Energy by applicants for tax credits:

26 “(A) Personal financial statements.

27 “(B) Financial statements of applicants.

28 “(C) Customer lists.

29 “(D) Information of an applicant pertaining to litigation to which the
30 applicant is a party if the complaint has been filed, or if the complaint has

1 not been filed, if the applicant shows that such litigation is reasonably likely
2 to occur; this exemption does not apply to litigation which has been con-
3 cluded, and nothing in this subparagraph shall limit any right or opportunity
4 granted by discovery or deposition statutes to a party to litigation or po-
5 tential litigation.

6 “(E) Production, sales and cost data.

7 “(F) Marketing strategy information that relates to applicant’s plan to
8 address specific markets and applicant’s strategy regarding specific compet-
9 itors.

10 “(18) Records, reports or returns submitted by private concerns or enter-
11 prises required by law to be submitted to or inspected by a governmental
12 body to allow it to determine the amount of any transient lodging tax pay-
13 able and the amounts of such tax payable or paid, to the extent that such
14 information is in a form which would permit identification of the individual
15 concern or enterprise. Nothing in this subsection shall limit the use which
16 can be made of such information for regulatory purposes or its admissibility
17 in any enforcement proceedings. The public body shall notify the taxpayer
18 of the delinquency immediately by certified mail. However, in the event that
19 the payment or delivery of transient lodging taxes otherwise due to a public
20 body is delinquent by over 60 days, the public body shall disclose, upon the
21 request of any person, the following information:

22 “(a) The identity of the individual concern or enterprise that is delinquent
23 over 60 days in the payment or delivery of the taxes.

24 “(b) The period for which the taxes are delinquent.

25 “(c) The actual, or estimated, amount of the delinquency.

26 “(19) All information supplied by a person under ORS 151.485 for the
27 purpose of requesting appointed counsel, and all information supplied to the
28 court from whatever source for the purpose of verifying the financial eligi-
29 bility of a person pursuant to ORS 151.485.

30 “(20) Workers’ compensation claim records of the Department of Con-

1 sumer and Business Services, except in accordance with rules adopted by the
2 Director of the Department of Consumer and Business Services, in any of the
3 following circumstances:

4 “(a) When necessary for insurers, self-insured employers and third party
5 claim administrators to process workers’ compensation claims.

6 “(b) When necessary for the director, other governmental agencies of this
7 state or the United States to carry out their duties, functions or powers.

8 “(c) When the disclosure is made in such a manner that the disclosed in-
9 formation cannot be used to identify any worker who is the subject of a
10 claim.

11 “(d) When a worker or the worker’s representative requests review of the
12 worker’s claim record.

13 “(21) Sensitive business records or financial or commercial information
14 of the Oregon Health and Science University that is not customarily pro-
15 vided to business competitors.

16 “(22) Records of Oregon Health and Science University regarding candi-
17 dates for the position of president of the university.

18 “(23) The records of a library, including:

19 “(a) Circulation records, showing use of specific library material by a
20 named person;

21 “(b) The name of a library patron together with the address or telephone
22 number of the patron; and

23 “(c) The electronic mail address of a patron.

24 “(24) The following records, communications and information obtained by
25 the Housing and Community Services Department in connection with the
26 department’s monitoring or administration of financial assistance or of
27 housing or other developments:

28 “(a) Personal and corporate financial statements and information, in-
29 cluding tax returns.

30 “(b) Credit reports.

1 “(c) Project appraisals.
2 “(d) Market studies and analyses.
3 “(e) Articles of incorporation, partnership agreements and operating
4 agreements.
5 “(f) Commitment letters.
6 “(g) Project pro forma statements.
7 “(h) Project cost certifications and cost data.
8 “(i) Audits.
9 “(j) Project tenant correspondence.
10 “(k) Personal information about a tenant.
11 “(L) Housing assistance payments.
12 “(25) Raster geographic information system (GIS) digital databases, pro-
13 vided by private forestland owners or their representatives, voluntarily and
14 in confidence to the State Forestry Department, that is not otherwise re-
15 quired by law to be submitted.
16 “(26) Sensitive business, commercial or financial information furnished to
17 or developed by a public body engaged in the business of providing electricity
18 or electricity services, if the information is directly related to a transaction
19 described in ORS 261.348, or if the information is directly related to a bid,
20 proposal or negotiations for the sale or purchase of electricity or electricity
21 services, and disclosure of the information would cause a competitive disad-
22 vantage for the public body or its retail electricity customers. This sub-
23 section does not apply to cost-of-service studies used in the development or
24 review of generally applicable rate schedules.
25 “(27) Sensitive business, commercial or financial information furnished to
26 or developed by the City of Klamath Falls, acting solely in connection with
27 the ownership and operation of the Klamath Cogeneration Project, if the
28 information is directly related to a transaction described in ORS 225.085 and
29 disclosure of the information would cause a competitive disadvantage for the
30 Klamath Cogeneration Project. This subsection does not apply to cost-of-

1 service studies used in the development or review of generally applicable rate
2 schedules.

3 “(28) Personally identifiable information about customers of a municipal
4 electric utility or a people’s utility district or the names, dates of birth,
5 driver license numbers, telephone numbers, electronic mail addresses or So-
6 cial Security numbers of customers who receive water, sewer or storm drain
7 services from a public body as defined in ORS 174.109. The utility or district
8 may release personally identifiable information about a customer, and a
9 public body providing water, sewer or storm drain services may release the
10 name, date of birth, driver license number, telephone number, electronic mail
11 address or Social Security number of a customer, if the customer consents
12 in writing or electronically, if the disclosure is necessary for the utility,
13 district or other public body to render services to the customer, if the dis-
14 closure is required pursuant to a court order or if the disclosure is otherwise
15 required by federal or state law. The utility, district or other public body
16 may charge as appropriate for the costs of providing such information. The
17 utility, district or other public body may make customer records available
18 to third party credit agencies on a regular basis in connection with the es-
19 tablishment and management of customer accounts or in the event such ac-
20 counts are delinquent.

21 “(29) A record of the street and number of an employee’s address submit-
22 ted to a special district to obtain assistance in promoting an alternative to
23 single occupant motor vehicle transportation.

24 “(30) Sensitive business records, capital development plans or financial
25 or commercial information of Oregon Corrections Enterprises that is not
26 customarily provided to business competitors.

27 “(31) Documents, materials or other information submitted to the Director
28 of the Department of Consumer and Business Services in confidence by a
29 state, federal, foreign or international regulatory or law enforcement agency
30 or by the National Association of Insurance Commissioners, its affiliates or

1 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
2 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
3 725 or 726, the Bank Act or the Insurance Code when:

4 “(a) The document, material or other information is received upon notice
5 or with an understanding that it is confidential or privileged under the laws
6 of the jurisdiction that is the source of the document, material or other in-
7 formation; and

8 “(b) The director has obligated the Department of Consumer and Business
9 Services not to disclose the document, material or other information.

10 “(32) A county elections security plan developed and filed under ORS
11 254.074.

12 “(33) Information about review or approval of programs relating to the
13 security of:

14 “(a) Generation, storage or conveyance of:

15 “(A) Electricity;

16 “(B) Gas in liquefied or gaseous form;

17 “(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

18 “(D) Petroleum products;

19 “(E) Sewage; or

20 “(F) Water.

21 “(b) Telecommunication systems, including cellular, wireless or radio
22 systems.

23 “(c) Data transmissions by whatever means provided.

24 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of
25 the Supreme Court designates the information as confidential by rule under
26 ORS 1.002.

27 “(35)(a) Employer account records of the State Accident Insurance Fund
28 Corporation.

29 “(b) As used in this subsection, ‘employer account records’ means all re-
30 cords maintained in any form that are specifically related to the account of

1 any employer insured, previously insured or under consideration to be in-
2 sured by the State Accident Insurance Fund Corporation and any informa-
3 tion obtained or developed by the corporation in connection with providing,
4 offering to provide or declining to provide insurance to a specific employer.
5 ‘Employer account records’ includes, but is not limited to, an employer’s
6 payroll records, premium payment history, payroll classifications, employee
7 names and identification information, experience modification factors, loss
8 experience and dividend payment history.

9 “(c) The exemption provided by this subsection may not serve as the basis
10 for opposition to the discovery documents in litigation pursuant to applicable
11 rules of civil procedure.

12 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

13 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited
14 to, all records held by the corporation pertaining to a person who has made
15 a claim, as defined in ORS 656.005, and all records pertaining to such a
16 claim.

17 “(c) The exemption provided by this subsection may not serve as the basis
18 for opposition to the discovery documents in litigation pursuant to applicable
19 rules of civil procedure.

20 “(37) Except as authorized by ORS 408.425, records that certify or verify
21 an individual’s discharge or other separation from military service.

22 “(38) Records of or submitted to a domestic violence service or resource
23 center that relate to the name or personal information of an individual who
24 visits a center for service, including the date of service, the type of service
25 received, referrals or contact information or personal information of a family
26 member of the individual. As used in this subsection, ‘domestic violence
27 service or resource center’ means an entity, the primary purpose of which is
28 to assist persons affected by domestic or sexual violence by providing refer-
29 rals, resource information or other assistance specifically of benefit to do-
30 mestic or sexual violence victims.

1 **“SECTION 31.** ORS 284.706, as amended by section 21 of this 2012 Act,
2 is amended to read:

3 “284.706. (1) There is created the Oregon Innovation Council consisting
4 of the following voting members:

5 “(a) The Governor or the Governor’s designated representative, who shall
6 be chairperson of the council.

7 “(b) Five members appointed by the Governor who are engaged in the
8 operations of Oregon traded sector industries or Oregon growth businesses.

9 “(c) One member appointed by the Governor who is a representative of
10 an Oregon-based, generally accredited, not-for-profit private institution of
11 higher education.

12 “*[(d) A member of the Oregon Growth Board, appointed by the board.]*

13 “*[(e)]* (d) A member of the Engineering and Technology Industry Council,
14 appointed by the Engineering and Technology Industry Council.

15 “*[(f)]* (e) The Director of the Oregon Business Development Department.

16 “*[(g)]* (f) The Chancellor of the Oregon University System.

17 “*[(h)]* (g) The Commissioner for Community College Services.

18 “*[(i)]* (h) The State Treasurer.

19 “(2)(a) The Speaker of the House of Representatives shall appoint two
20 members to the council who are members of the House of Representatives.

21 “(b) The President of the Senate shall appoint two members to the council
22 who are members of the Senate.

23 “(c) Members of the Legislative Assembly appointed to the council are
24 nonvoting members and may act in an advisory capacity only.

25 “(3) The following persons, or their representatives, shall serve as ex
26 officio, nonvoting members of the council:

27 “(a) The presiding officer of the Oregon Business Development Commis-
28 sion.

29 “(b) The president of the State Board of Higher Education.

30 “(c) The chairperson of the State Board of Education.

1 “(d) An executive officer of an association representing Oregon-based,
2 generally accredited, not-for-profit private institutions of higher education,
3 appointed by the Governor.

4 “(4) The term of office of each appointed voting member of the council is
5 three years, but an appointed member serves at the pleasure of the appoint-
6 ing authority. Before the expiration of the term of an appointed voting
7 member, the appointing authority shall appoint a successor whose term be-
8 gins on July 1 next following. An appointed member is eligible for reap-
9 pointment. If there is a vacancy for any cause, the appointing authority shall
10 make an appointment to become immediately effective for the remainder of
11 the unexpired term.

12 “(5) A majority of the voting members of the council constitutes a quorum
13 for the transaction of business.

14 “(6) Official action by the council requires the approval of a majority of
15 the voting members of the council.

16 “(7) The council shall meet at least twice per fiscal year at a place, day
17 and time determined by the chairperson. The council may also meet at other
18 times and places specified by a call of the chairperson or by written request
19 of a majority of the voting members of the council.

20 “(8) The council may adopt rules necessary for the operation of the
21 council.

22 “(9) The council may establish committees and delegate to the committees
23 duties as the council considers desirable.

24 “(10) The Oregon Business Development Department shall provide staff
25 support to the council.

26 “(11) Members of the council who are members of the Legislative Assem-
27 bly are entitled to compensation and expense reimbursement as provided in
28 ORS 171.072.

29 “(12) Members of the council who are not members of the Legislative
30 Assembly are entitled to compensation and expenses incurred by them in the

1 performance of their official duties in the manner and amounts provided for
2 in ORS 292.495. Claims for compensation and expenses of members of the
3 council who are public officers shall be paid out of funds appropriated to the
4 public agency that employs the member. Claims for compensation and ex-
5 penses of members of the council who are not public officers shall be paid
6 out of funds appropriated to the Oregon Business Development Department
7 for that purpose.

8 “(13) All agencies of state government, as defined in ORS 174.111, are di-
9 rected to assist the council in the performance of its duties and, to the extent
10 permitted by laws relating to confidentiality, to furnish such information and
11 advice as the members of the council consider necessary to perform their
12 duties.

13 **“SECTION 32.** ORS 293.731, as amended by section 22 of this 2012 Act,
14 is amended to read:

15 “293.731. Subject to the objective set forth in ORS 293.721 and the stan-
16 dards set forth in ORS 293.726, the Oregon Investment Council shall formu-
17 late policies for the investment and reinvestment of moneys in the
18 investment funds and the acquisition, retention, management and disposition
19 of investments of the investment funds. The council, from time to time, shall
20 review those policies and make changes therein as it considers necessary or
21 desirable. The council may formulate separate policies for any fund included
22 in the investment funds. This section does not apply to [*the Oregon Growth*
23 *Fund, the Oregon Growth Board,*] the Oregon Commercialized Research Fund,
24 the Oregon Innovation Fund or the Oregon Innovation Council.

25 **“SECTION 33.** ORS 293.761, as amended by section 24 of this 2012 Act,
26 is amended to read:

27 “293.761. [(1)] The investment officer shall follow generally accepted ac-
28 counting practices and provide to the officer or body having control and
29 administration of any investment funds any information necessary for fi-
30 nancial reporting required by law.

1 “[2] *The investment officer shall separately identify investments held in the*
2 *Oregon Growth Fund established under section 7 of this 2012 Act as part of*
3 *the information provided under this section on the Education Stability*
4 *Fund.*]

5

6 **“ABOLISHMENT OF OREGON GROWTH BOARD**

7

8 **“SECTION 34. On the operative date specified in section 35 of this**
9 **2012 Act:**

10 **“(1) The Oregon Growth Board is abolished; and**

11 **“(2) Sections 1, 2 and 3 of this 2012 Act are repealed.**

12 **“SECTION 35. The amendments to ORS 192.502, 244.050, 284.706,**
13 **284.731 and 293.761 by sections 29 to 33 of this 2012 Act and the repeal**
14 **of sections 1, 2 and 3 of this 2012 Act by section 34 of this 2012 Act**
15 **become operative on June 30, 2014.**

16 **“SECTION 36. If section 26 of this 2012 Act is not repealed by sec-**
17 **tion 27 of this 2012 Act, sections 34 (repealing sections 1, 2 and 3 of this**
18 **2012 Act) and 35 of this 2012 Act are repealed on January 1, 2014.”.**

19 In line 33, delete “27” and insert “37”.

20 In line 39, delete “28” and insert “38”.

21
