

B-Engrossed House Bill 4040

Ordered by the House February 29
Including House Amendments dated February 9 and February 29

Sponsored by Representatives READ, BERGER, Senators DEVLIN, TELFER; Representatives BARKER, BARNHART, BENTZ, BREWER, BUCKLEY, CLEM, CONGER, DEMBROW, DOHERTY, FREDERICK, GARRETT, GELSER, GILLIAM, HARKER, HOLVEY, HOYLE, HUFFMAN, HUNT, KENNEMER, KENY-GUYER, KOMP, KOTEK, MATTHEWS, NATHANSON, ROBLAN, J SMITH, TOMEI, WAND, WEIDNER, WHISNANT, WITT, Senators BATES, BEYER, HASS, JOHNSON, MORSE, NELSON, PROZANSKI, ROSENBAUM, STEINER HAYWARD (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Establishes Oregon Growth Fund and Oregon Growth Board to encourage investment in and availability of capital to Oregon businesses and to further economic development in Oregon.

Requires Oregon Growth Board to submit report to Legislative Assembly on or before January 1, 2013, on implementation and administration of provisions relating to establishment, duties, functions and powers of board.

Abolishes [*Oregon Growth Account and*] Oregon Growth Account Board on January 2, 2014, unless certain provisions relating to duties, functions and powers of Oregon Growth Board and Oregon Growth Fund sunset on June 30, 2013.

Sunset provisions establishing Oregon Growth Board on June 30, 2014. Provides exception.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to investment for economic development; creating new provisions; amending ORS 192.502,
3 244.050, 284.701, 284.706, 293.731, 293.733, 293.761, 293.796 and 348.702; repealing ORS 348.701,
4 348.703, 348.704, 348.706, 348.707 and 348.710; appropriating money; and declaring an emergency.

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

6 7 OREGON GROWTH BOARD 8 AND OREGON GROWTH FUND 9

10 **SECTION 1. As used in sections 1 to 7 of this 2012 Act, unless the context requires oth-**
11 **erwise:**

12 (1) **“Business” means a corporation, partnership, proprietorship, firm, enterprise, joint**
13 **venture, cooperative, franchise, association, organization, self-employed individual, group of**
14 **individuals, nonprofit entity or other entity that is or will be operating or doing business in**
15 **Oregon.**

16 (2) **“Economic development” means development that:**

17 (a) **Relates to and supports the economic development policies for this state set forth in,**
18 **or adopted in furtherance of, ORS 285A.020;**

19 (b) **Promotes, expands or prevents the decline of businesses located or to be located in**
20 **Oregon;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Creates jobs or prevents the loss of jobs; or

2 (d) Promotes the policies of the Oregon Growth Board.

3 (3) "Financial services and support" includes but is not limited to funding, access to
4 capital, asset building, business planning, market development, improving management skills
5 or any other type of service or support that enhances business development and furthers
6 economic development.

7 (4) "Local government" has the meaning given that term in ORS 174.116.

8 (5) "State agency" means an officer, board, commission, department, division, institution,
9 branch or agency in the executive or administrative branch of state government.

10 **SECTION 2.** It is the intent of the Legislative Assembly, in enacting sections 1 to 7 of
11 this 2012 Act, to encourage investment in and availability of capital to businesses in this
12 state and to increase resources available to local governments and state agencies that cre-
13 ate, facilitate, maintain and promote financial services and support and to other efforts that
14 further economic development in Oregon.

15 **SECTION 3.** (1) The Oregon Growth Board is established to formulate and implement
16 policies and procedures to administer sections 1 to 7 of this 2012 Act, and to make recom-
17 mendations for the investment, reinvestment, management and coordination of funds in the
18 Oregon Growth Account established under ORS 348.702 and the Oregon Growth Fund estab-
19 lished under section 7 of this 2012 Act.

20 (2) The board shall consist of seven voting members and one to three nonvoting members
21 as follows:

22 (a) The State Treasurer shall be an ex officio voting member of the board.

23 (b) The Governor shall appoint six voting members, subject to Senate confirmation under
24 ORS 171.562 and 171.565 and the following:

25 (A) Two of the members shall be persons who do not belong to the same political party,
26 who reflect the identity of the Legislative Assembly by political party affiliation at the time
27 the persons are appointed and who are selected from a list of four candidates, each candidate
28 recommended by the President of the Senate, the Minority Leader of the Senate, the Speaker
29 of the House of Representatives or the Minority Leader of the House of Representatives,
30 respectively.

31 (B) Members shall include at least one representative of each of the five congressional
32 districts in this state.

33 (C) Four members shall be appointed as follows:

34 (i) One member with experience in banking;

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

36 (iii) One member with experience managing investments; and

37 (iv) One member with experience as a small business employer in this state.

38 (c) The Director of the Oregon Business Development Department shall be an ex officio
39 nonvoting member of the board.

40 (d) Two members of the Legislative Assembly that belong to different political parties as
41 determined by the appropriate entry on official election registration cards, who are appointed
42 by agreement of the President of the Senate, the Minority Leader of the Senate, the Speaker
43 of the House of Representatives and the Minority Leader of the House of Representatives,
44 shall serve as nonvoting members of the board. If an agreement cannot be reached on both
45 members of the Legislative Assembly to serve on the board, no appointment shall be made

1 under this paragraph.

2 (3) The term of office of each member who is not an ex officio member is four years. A
3 member appointed by the Governor serves at the pleasure of the Governor. Before the expi-
4 ration of the term of a member who is not an ex officio member, the appointing authority
5 shall appoint a successor whose term begins on January 1 next following. A member is eli-
6 gible for reappointment. If there is a vacancy for any cause, including but not limited to the
7 end of a term of membership in the Legislative Assembly, the appointing authority shall
8 make an appointment to become immediately effective for the unexpired term.

9 (4) The board shall select one of its members as chairperson and another to serve as a
10 liaison with local governments for such terms and with duties and powers necessary for the
11 performance of the functions of these offices as the board determines, consistent with this
12 section.

13 (5) A majority of the voting members of the board constitutes a quorum for the trans-
14 action of business.

15 (6) A member of the board may receive compensation and reimbursement for expenses
16 as follows:

17 (a) Members of the Legislative Assembly as provided in ORS 171.072.

18 (b) Nonlegislative members in the manner and amounts provided in ORS 292.495. Claims
19 for compensation and expenses incurred in performing the functions of the board shall be
20 paid out of funds appropriated to the board for that purpose.

21 (7) The Oregon Business Development Department shall provide staff to the board as
22 necessary to allow the board to carry out its responsibilities under sections 1 to 7 of this 2012
23 Act.

24 **SECTION 4.** Notwithstanding the term of office specified by section 3 of this 2012 Act,
25 of the members of the Oregon Growth Board who are not ex officio members and who are
26 first appointed to the board:

27 (1) If two members are appointed under section 3 (2)(d) of this 2012 Act:

28 (a) Two shall serve for a term ending December 31, 2013.

29 (b) Two shall serve for a term ending December 31, 2014.

30 (c) Two shall serve for a term ending December 31, 2015.

31 (d) Two shall serve for a term ending December 31, 2016.

32 (2) If no members are appointed under section 3 (2)(d) of this 2012 Act:

33 (a) One shall serve for a term ending December 31, 2013.

34 (b) One shall serve for a term ending December 31, 2014.

35 (c) Two shall serve for a term ending December 31, 2015.

36 (d) Two shall serve for a term ending December 31, 2016.

37 **SECTION 5.** The Oregon Growth Board has the following duties, functions and powers:

38 (1) To maintain, invest and reinvest moneys in the Oregon Growth Fund established un-
39 der section 7 of this 2012 Act consistent with the policies and procedures established by the
40 board and the investment standard stated in ORS 293.726, including but not limited to the
41 creation and maintenance of one or more investment funds within the Oregon Growth Fund.
42 In exercising its authority under this subsection, the board may include economic factors,
43 including but not limited to job retention and creation, as considerations in making invest-
44 ment decisions.

45 (2) To maintain, invest and reinvest moneys in the Oregon Growth Account established

1 under ORS 348.702 consistent with the policies and procedures established by the board and
2 the investment standard stated in ORS 293.726 and for the purpose of earning returns for the
3 Education Stability Fund. Policies established by the board under this subsection shall in-
4 clude, but are not limited to, the determination of when and how earnings are calculated and
5 declared available from the account on behalf of the Education Stability Fund.

6 (3) To make and enter into contracts, agreements or arrangements for the investment
7 and management of moneys in the Oregon Growth Account and the Oregon Growth Fund
8 as provided in section 6 of this 2012 Act and for other services the board deems reasonable
9 and necessary to fulfill the duties of the board under this section.

10 (4)(a) With respect to the Oregon Growth Account, to make, purchase, guarantee or hold
11 loans, including but not limited to participation interests in loans, made to or from the
12 Oregon Growth Account for the purpose of earning returns for the Education Stability Fund.

13 (b) With respect to the Oregon Growth Fund, to make, purchase, guarantee or hold
14 grants and loans, including but not limited to competitive grants and participation interests
15 in loans, made to or from the Oregon Growth Fund for the benefit of qualified businesses for
16 the purpose of furthering economic development.

17 (5) To qualify or certify businesses that invest in the Oregon Growth Account or the
18 Oregon Growth Fund for any investment incentive approved by the board.

19 (6) To collaborate, cooperate and enter into agreements with local governments, state
20 agencies, financial institutions and other entities as appropriate to:

21 (a) Provide financial services and support to businesses for the purpose of furthering
22 economic development;

23 (b) Coordinate actions, responsibilities and resources that further economic development;
24 and

25 (c) Delegate between the board and a local government or state agency any duties,
26 functions or powers that the board, local government or state agency is authorized to per-
27 form if consistent with and necessary to the administration of sections 1 to 7 of this 2012
28 Act. Delegation of duties, functions or powers under this paragraph must be done pursuant
29 to written agreement.

30 (7) To seek, solicit, obtain and accept local, state, federal and private resources and do-
31 nations for deposit into the Oregon Growth Account and the Oregon Growth Fund to aid in
32 the administration of sections 1 to 7 of this 2012 Act.

33 (8) To adopt rules that specify:

34 (a) The board's permissible investments, and activities and services that the board may
35 provide or engage in;

36 (b) Guidelines regarding the amount and type of leverage to maximize investments and
37 any other resources available to, and subject to the authority of, the board; and

38 (c) Other requirements that the board considers necessary for the exercise of the board's
39 duties, functions and powers under sections 1 to 7 of this 2012 Act.

40 (9) To make recommendations to the Legislative Assembly regarding:

41 (a) Appropriations of General Fund moneys to the Oregon Growth Fund;

42 (b) The terms of income and corporate excise tax subtractions or other tax expenditures,
43 as defined in ORS 291.201, that will promote and create private investment in the Oregon
44 Growth Fund;

45 (c) Incentives for private sector investment that further investment, capital availability,

1 job creation and economic development;

2 (d) The use of moneys in the Oregon Growth Account to earn returns for the Education
3 Stability Fund; and

4 (e) Legislation needed to further economic development.

5 **SECTION 6.** (1) The Oregon Growth Board shall contract with one or more management
6 companies to manage and invest the moneys in the Oregon Growth Account established un-
7 der ORS 348.702 and the Oregon Growth Fund established under section 7 of this 2012 Act.
8 For purposes of this subsection, a contract with a management company may consist of:

9 (a) A partnership agreement under which the Oregon Growth Board is the limited part-
10 ner and the management company is the general partner; or

11 (b) Another form of payment or profit-sharing arrangement under which the Oregon
12 Growth Board may receive payment or another form of return in exchange for its invest-
13 ment.

14 (2) A management company selected to manage the Oregon Growth Fund or the Oregon
15 Growth Account shall manage the moneys in the fund or account, subject to the policies and
16 procedures and investment directives and strategies of the Oregon Growth Board, with the
17 care, skill and diligence that a prudent investor acting in a similar capacity and familiar with
18 such investments would use in managing and investing a similar fund.

19 (3) The management company shall invest in Oregon an amount that is at least equal to
20 the amount of the principal transferred from the Oregon Growth Account or the Oregon
21 Growth Fund to the management company for investment.

22 (4) The contract between the board and a management company to manage the Oregon
23 Growth Account or the Oregon Growth Fund, and the functions performed under the con-
24 tract, are not subject to the State Personnel Relations Law or ORS 279.835 to 279.855 or ORS
25 chapter 279A or 279B.

26 (5) The Oregon Growth Board shall provide to local governments and state agencies any
27 reports on the investment of moneys in the Oregon Growth Account that are necessary to
28 fulfill audit, financial, investment or other reporting requirements to which the Education
29 Stability Fund is subject by law or standard accounting principles.

30 **SECTION 7.** (1) The Oregon Growth Fund is established in the State Treasury, separate
31 and distinct from the General Fund. Interest earned by the Oregon Growth Fund shall be
32 credited to the fund.

33 (2) Moneys in the Oregon Growth Fund consist of:

34 (a) Amounts donated to the fund;

35 (b) Moneys transferred to the fund from the federal government, state agencies or local
36 governments;

37 (c) Amounts appropriated or otherwise transferred to the fund by the Legislative As-
38 sembly;

39 (d) Earnings received on moneys in the fund; and

40 (e) Other amounts deposited in the fund from any source.

41 (3) Moneys in the fund are continuously appropriated to the Oregon Growth Board for
42 the purpose of sections 1 to 7 of this 2012 Act.

43 (4) The board may establish accounts and subaccounts within the fund when the board
44 determines that accounts or subaccounts are necessary or desirable and may credit any in-
45 terest or income derived from moneys in the fund to any account or subaccount in the fund.

1 **(5) The board may use moneys in the fund to pay the administrative costs associated with**
2 **the fund and with administering sections 1 to 7 of this 2012 Act.**

3 **SECTION 7a.** ORS 348.702, as amended by section 2, chapter 805, Oregon Laws 2009, is
4 amended to read:

5 348.702. (1) There is created within the Education Stability Fund the Oregon Growth Account,
6 to which shall be credited, in the manner provided in subsection (2) of this section, 10 percent of the
7 funds transferred under section 4, Article XV of the Oregon Constitution, from the Administrative
8 Services Economic Development Fund to the Education Stability Fund. Separate records shall be
9 maintained for moneys in the Oregon Growth Account that are available for the purposes specified
10 in subsection (5) of this section. The account may be credited with unrestricted appropriations, gifts,
11 donations, grants or contract proceeds from any source, with investments or funds from any source
12 and with returns on investments made from the account.

13 (2) The Oregon Department of Administrative Services may credit to the Oregon Growth Ac-
14 count from the first funds transferred in a fiscal year to the Education Stability Fund under section
15 4, Article XV of the Oregon Constitution, an amount up to the amount the department estimates to
16 be 10 percent of the funds required to be transferred to the Education Stability Fund for that fiscal
17 year.

18 (3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under
19 subsection (2) of this section is less than or greater than 10 percent of the amount required to be
20 transferred under section 4, Article XV of the Oregon Constitution, to the Education Stability Fund,
21 the amount credited to the Oregon Growth Account shall be adjusted in one of the following ways:

22 (a) The amount credited to the account in the following fiscal year may be adjusted;

23 (b) Any excess may be transferred from the Oregon Growth Account to the Education Stability
24 Fund; or

25 (c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth
26 Account from funds available for that purpose.

27 (4) Adjustments required by subsection (3) of this section shall be made without consideration
28 of any interest or other earnings that have accrued during the fiscal year.

29 (5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability
30 Fund [*by making investments in or by providing seed capital for emerging growth businesses*].

31 (6) The investment of funds in the Oregon Growth Account shall be governed by the Oregon
32 Growth [*Account*] Board.

33 **(7) The Oregon Growth Board may use moneys in the Oregon Growth Account to pay the**
34 **administrative costs associated with the account and with administering those portions of**
35 **sections 1 to 7 of this 2012 Act that pertain to the account.**

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

39 **(1) Recommendations for the implementation and administration of sections 1 to 7 of this**
40 **2012 Act;**

41 **(2) Policies and procedures for investment and management of moneys in the Oregon**
42 **Growth Account and the Oregon Growth Fund;**

43 **(3) Recommendations regarding duties, functions and powers of the Oregon Growth**
44 **Board; and**

45 **(4) Recommendations for legislation relating to the Oregon Growth Board, the Oregon**

1 **Growth Account and the Oregon Growth Fund that will increase earnings for the Education**
2 **Stability Fund from the Oregon Growth Account and that will further economic development.**

3 **SECTION 9.** ORS 244.050 is amended to read:

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

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

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

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

12 (d) The Deputy Attorney General.

13 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
14 Secretary of the Senate and the Chief Clerk of the House of Representatives.

15 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
16 vice presidents, or their administrative equivalents, 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.

31 (N) Administrator of Oregon Liquor Control Commission.

32 (O) Superintendent of State Police.

33 (P) Director of the Public Employees Retirement System.

34 (Q) Director of Department of Revenue.

35 (R) Director of Transportation.

36 (S) Public Utility Commissioner.

37 (T) Director of Veterans' Affairs.

38 (U) Executive director of Oregon Government Ethics Commission.

39 (V) Director of the State Department of Energy.

40 (W) Director and each assistant director of the Oregon State Lottery.

41 (X) Director of the Department of Corrections.

42 (Y) Director of the Oregon Department of Aviation.

43 (Z) Executive director of the Oregon Criminal Justice Commission.

44 (AA) Director of the Oregon Business Development Department.

45 (BB) Director of the Office of Emergency Management.

- 1 (CC) Director of the Employment Department.
- 2 (DD) Chief of staff for the Governor.
- 3 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 4 (FF) Director of the Housing and Community Services Department.
- 5 (GG) State Court Administrator.
- 6 (HH) Director of the Department of Land Conservation and Development.
- 7 (II) Board chairperson of the Land Use Board of Appeals.
- 8 (JJ) State Marine Director.
- 9 (KK) Executive director of the Oregon Racing Commission.
- 10 (LL) State Parks and Recreation Director.
- 11 (MM) Public defense services executive director.
- 12 (NN) Chairperson of the Public Employees' Benefit Board.
- 13 (OO) Director of the Department of Public Safety Standards and Training.
- 14 (PP) Chairperson of the Oregon Student Access Commission.
- 15 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 16 (RR) Director of the Oregon Youth Authority.
- 17 (SS) Director of the Oregon Health Authority.
- 18 (TT) Deputy Superintendent of Public Instruction.
- 19 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 20 (i) Every elected city or county official.
- 21 (j) Every member of a city or county planning, zoning or development commission.
- 22 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 23 cipal administrator of the city or county.
- 24 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 25 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 26 ficer thereof.
- 27 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 28 (o) The chief administrative officer and the financial officer of each common and union high
- 29 school district, education service district and community college district.
- 30 (p) Every member of the following state boards and commissions:
- 31 (A) Board of Geologic and Mineral Industries.
- 32 (B) Oregon Business Development Commission.
- 33 (C) State Board of Education.
- 34 (D) Environmental Quality Commission.
- 35 (E) Fish and Wildlife Commission of the State of Oregon.
- 36 (F) State Board of Forestry.
- 37 (G) Oregon Government Ethics Commission.
- 38 (H) Oregon Health Policy Board.
- 39 (I) State Board of Higher Education.
- 40 (J) Oregon Investment Council.
- 41 (K) Land Conservation and Development Commission.
- 42 (L) Oregon Liquor Control Commission.
- 43 (M) Oregon Short Term Fund Board.
- 44 (N) State Marine Board.
- 45 (O) Mass transit district boards.

- 1 (P) Energy Facility Siting Council.
2 (Q) Board of Commissioners of the Port of Portland.
3 (R) Employment Relations Board.
4 (S) Public Employees Retirement Board.
5 (T) Oregon Racing Commission.
6 (U) Oregon Transportation Commission.
7 (V) Wage and Hour Commission.
8 (W) Water Resources Commission.
9 (X) Workers' Compensation Board.
10 (Y) Oregon Facilities Authority.
11 (Z) Oregon State Lottery Commission.
12 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
13 (BB) Columbia River Gorge Commission.
14 (CC) Oregon Health and Science University Board of Directors.
15 (DD) Capitol Planning Commission.
16 (EE) Higher Education Coordinating Commission.
17 **(FF) Oregon Growth Board.**
18 (q) The following officers of the State Treasurer:
19 (A) Deputy State Treasurer.
20 (B) Chief of staff for the office of the State Treasurer.
21 (C) Director of the Investment Division.
22 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
23 or 777.915 to 777.953.
24 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
25 (2) By April 15 next after the date an appointment takes effect, every appointed public official
26 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
27 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
28 and 244.090.
29 (3) By April 15 next after the filing deadline for the primary election, each candidate described
30 in subsection (1) of this section shall file with the commission a statement of economic interest as
31 required under ORS 244.060, 244.070 and 244.090.
32 (4) Within 30 days after the filing deadline for the general election, each candidate described in
33 subsection (1) of this section who was not a candidate in the preceding primary election, or who
34 was nominated for public office described in subsection (1) of this section at the preceding primary
35 election by write-in votes, shall file with the commission a statement of economic interest as re-
36 quired under ORS 244.060, 244.070 and 244.090.
37 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
38 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections
39 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the
40 filing deadline for the statewide general election.
41 (6) If a statement required to be filed under this section has not been received by the commis-
42 sion within five days after the date the statement is due, the commission shall notify the public of-
43 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
44 requirements of this section. If the public official or candidate fails to comply by the date set by the
45 commission, the commission may impose a civil penalty as provided in ORS 244.350.

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

2 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
3 Government Ethics Commission a verified statement of economic interest as required under this
4 chapter:

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

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

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

10 (d) The Deputy Attorney General.

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

13 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
14 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

15 (g) The following state officers:

16 (A) Adjutant General.

17 (B) Director of Agriculture.

18 (C) Manager of State Accident Insurance Fund Corporation.

19 (D) Water Resources Director.

20 (E) Director of Department of Environmental Quality.

21 (F) Director of Oregon Department of Administrative Services.

22 (G) State Fish and Wildlife Director.

23 (H) State Forester.

24 (I) State Geologist.

25 (J) Director of Human Services.

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

27 (L) Director of the Department of State Lands.

28 (M) State Librarian.

29 (N) Administrator of Oregon Liquor Control Commission.

30 (O) Superintendent of State Police.

31 (P) Director of the Public Employees Retirement System.

32 (Q) Director of Department of Revenue.

33 (R) Director of Transportation.

34 (S) Public Utility Commissioner.

35 (T) Director of Veterans' Affairs.

36 (U) Executive director of Oregon Government Ethics Commission.

37 (V) Director of the State Department of Energy.

38 (W) Director and each assistant director of the Oregon State Lottery.

39 (X) Director of the Department of Corrections.

40 (Y) Director of the Oregon Department of Aviation.

41 (Z) Executive director of the Oregon Criminal Justice Commission.

42 (AA) Director of the Oregon Business Development Department.

43 (BB) Director of the Office of Emergency Management.

44 (CC) Director of the Employment Department.

45 (DD) Chief of staff for the Governor.

- 1 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 2 (FF) Director of the Housing and Community Services Department.
- 3 (GG) State Court Administrator.
- 4 (HH) Director of the Department of Land Conservation and Development.
- 5 (II) Board chairperson of the Land Use Board of Appeals.
- 6 (JJ) State Marine Director.
- 7 (KK) Executive director of the Oregon Racing Commission.
- 8 (LL) State Parks and Recreation Director.
- 9 (MM) Public defense services executive director.
- 10 (NN) Chairperson of the Public Employees' Benefit Board.
- 11 (OO) Director of the Department of Public Safety Standards and Training.
- 12 (PP) Chairperson of the Oregon Student Access Commission.
- 13 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 14 (RR) Director of the Oregon Youth Authority.
- 15 (SS) Director of the Oregon Health Authority.
- 16 (TT) Deputy Superintendent of Public Instruction.
- 17 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 18 (i) Every elected city or county official.
- 19 (j) Every member of a city or county planning, zoning or development commission.
- 20 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 21 cipal administrator of the city or county.
- 22 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 23 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 24 ficer thereof.
- 25 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 26 (o) The chief administrative officer and the financial officer of each common and union high
- 27 school district, education service district and community college district.
- 28 (p) Every member of the following state boards and commissions:
- 29 (A) Board of Geologic and Mineral Industries.
- 30 (B) Oregon Business Development Commission.
- 31 (C) State Board of Education.
- 32 (D) Environmental Quality Commission.
- 33 (E) Fish and Wildlife Commission of the State of Oregon.
- 34 (F) State Board of Forestry.
- 35 (G) Oregon Government Ethics Commission.
- 36 (H) Oregon Health Policy Board.
- 37 (I) State Board of Higher Education.
- 38 (J) Oregon Investment Council.
- 39 (K) Land Conservation and Development Commission.
- 40 (L) Oregon Liquor Control Commission.
- 41 (M) Oregon Short Term Fund Board.
- 42 (N) State Marine Board.
- 43 (O) Mass transit district boards.
- 44 (P) Energy Facility Siting Council.
- 45 (Q) Board of Commissioners of the Port of Portland.

- 1 (R) Employment Relations Board.
- 2 (S) Public Employees Retirement Board.
- 3 (T) Oregon Racing Commission.
- 4 (U) Oregon Transportation Commission.
- 5 (V) Wage and Hour Commission.
- 6 (W) Water Resources Commission.
- 7 (X) Workers' Compensation Board.
- 8 (Y) Oregon Facilities Authority.
- 9 (Z) Oregon State Lottery Commission.
- 10 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 11 (BB) Columbia River Gorge Commission.
- 12 (CC) Oregon Health and Science University Board of Directors.
- 13 (DD) Capitol Planning Commission.
- 14 **(EE) Oregon Growth Board.**

15 (q) The following officers of the State Treasurer:

- 16 (A) Deputy State Treasurer.
- 17 (B) Chief of staff for the office of the State Treasurer.
- 18 (C) Director of the Investment Division.

19 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
20 or 777.915 to 777.953.

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

22 (2) By April 15 next after the date an appointment takes effect, every appointed public official
23 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
24 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
25 and 244.090.

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

29 (4) Within 30 days after the filing deadline for the general election, each candidate described in
30 subsection (1) of this section who was not a candidate in the preceding primary election, or who
31 was nominated for public office described in subsection (1) of this section at the preceding primary
32 election by write-in votes, shall file with the commission a statement of economic interest as re-
33 quired under ORS 244.060, 244.070 and 244.090.

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

38 (6) If a statement required to be filed under this section has not been received by the commis-
39 sion within five days after the date the statement is due, the commission shall notify the public of-
40 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
41 requirements of this section. If the public official or candidate fails to comply by the date set by the
42 commission, the commission may impose a civil penalty as provided in ORS 244.350.

43 **SECTION 10. ORS 348.701, 348.703, 348.704, 348.706, 348.707 and 348.710 are repealed.**

44 **NOTE:** Section 11 was deleted by amendment. Subsequent sections were not renumbered.

45

ABOLISH AND TRANSFER

SECTION 12. (1) The Oregon Growth Account Board is abolished. On the operative date of this section, the tenure of office of the members of the Oregon Growth Account Board ceases.

(2) All the duties, functions and powers of the Oregon Growth Account Board are imposed upon, transferred to and vested in the Oregon Growth Board established under section 3 of this 2012 Act.

RECORDS AND PROPERTY

SECTION 13. (1) The Oregon Growth Account Board shall deliver to the Oregon Growth Board all records and property within the jurisdiction of the Oregon Growth Account Board that relate to the duties, functions and powers transferred by section 12 of this 2012 Act.

(2) The Oregon Growth Board shall take possession of the records and property.

UNEXPENDED REVENUES

SECTION 14. (1) The unexpended balances of amounts authorized to be expended by the Oregon Growth Account Board for the biennium beginning July 1, 2011, from revenues dedicated, continuously appropriated, appropriated or otherwise made available for the purpose of administering and enforcing the duties, functions and powers transferred by section 12 of this 2012 Act are transferred to and are available for expenditure by the Oregon Growth Board for the biennium beginning July 1, 2011, for the purpose of administering and enforcing the duties, functions and powers transferred by section 12 of this 2012 Act.

(2) The expenditure classifications, if any, established by Acts authorizing or limiting expenditures by the Oregon Growth Account Board remain applicable to expenditures by the Oregon Growth Board under this section.

ACTIONS, PROCEEDINGS, PROSECUTIONS

SECTION 15. The transfer of duties, functions and powers to the Oregon Growth Board by section 12 of this 2012 Act does not affect any action, proceeding or prosecution involving or with respect to such duties, functions and powers begun before and pending at the time of the transfer, except that the Oregon Growth Board is substituted for the Oregon Growth Account Board in the action, proceeding or prosecution.

LIABILITIES, DUTIES, OBLIGATIONS

SECTION 16. (1) Nothing in sections 12 to 18 of this 2012 Act relieves a person of a liability, duty or obligation accruing under or with respect to the duties, functions and powers transferred by section 12 of this 2012 Act. The Oregon Growth Board may undertake the collection or enforcement of any such liability, duty or obligation.

(2) The rights and obligations of the Oregon Growth Account Board legally incurred under contracts, leases and business transactions executed, entered into or begun before the

1 **operative date of section 12 of this 2012 Act are transferred to the Oregon Growth Board.**
2 **For the purpose of succession to these rights and obligations, the Oregon Growth Board is**
3 **a continuation of the Oregon Growth Account Board and not a new authority.**

4
5 **RULES**
6

7 **SECTION 17. Notwithstanding the transfer of duties, functions and powers by section 12**
8 **of this 2012 Act, the rules of the Oregon Growth Account Board in effect on the operative**
9 **date of section 12 of this 2012 Act continue in effect until superseded or repealed by rules**
10 **of the Oregon Growth Board. References in rules of the Oregon Growth Account Board to**
11 **the Oregon Growth Account Board or an officer of the Oregon Growth Account Board are**
12 **considered to be references to the Oregon Growth Board or an officer of the Oregon Growth**
13 **Board.**

14 **SECTION 18. Whenever, in any uncodified law or resolution of the Legislative Assembly**
15 **or in any rule, document, record or proceeding authorized by the Legislative Assembly, ref-**
16 **erence is made to the Oregon Growth Account Board or an officer of the Oregon Growth**
17 **Account Board, the reference is considered to be a reference to the Oregon Growth Board**
18 **or an officer of the Oregon Growth Board.**

19
20 **CONFORMING AMENDMENTS RELATING TO**
21 **TRANSFER OF AUTHORITY**
22

23 **SECTION 19. ORS 192.502 is amended to read:**

24 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

25 (1) Communications within a public body or between public bodies of an advisory nature to the
26 extent that they cover other than purely factual materials and are preliminary to any final agency
27 determination of policy or action. This exemption shall not apply unless the public body shows that
28 in the particular instance the public interest in encouraging frank communication between officials
29 and employees of public bodies clearly outweighs the public interest in disclosure.

30 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
31 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
32 public interest by clear and convincing evidence requires disclosure in the particular instance. The
33 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
34 tute an unreasonable invasion of privacy.

35 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
36 telephone numbers contained in personnel records maintained by the public body that is the em-
37 ployer or the recipient of volunteer services. This exemption:

38 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
39 unteers who are elected officials, except that a judge or district attorney subject to election may
40 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
41 terms of ORS 192.445;

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

45 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-

1 fessional education association of which the substitute teacher may be a member; and

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

3 (4) Information submitted to a public body in confidence and not otherwise required by law to
4 be submitted, where such information should reasonably be considered confidential, the public body
5 has obliged itself in good faith not to disclose the information, and when the public interest would
6 suffer by the disclosure.

7 (5) Information or records of the Department of Corrections, including the State Board of Parole
8 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of
9 a person in custody of the department or substantially prejudice or prevent the carrying out of the
10 functions of the department, if the public interest in confidentiality clearly outweighs the public in-
11 terest in disclosure.

12 (6) Records, reports and other information received or compiled by the Director of the Depart-
13 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
14 otherwise required by law to be made public, to the extent that the interests of lending institutions,
15 their officers, employees and customers in preserving the confidentiality of such information out-
16 weighs the public interest in disclosure.

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

18 (8) Any public records or information the disclosure of which is prohibited by federal law or
19 regulations.

20 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
21 wise made confidential or privileged under Oregon law.

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

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

25 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
26 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
27 to 192.505;

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

31 (D) The factual information was not compiled in preparation for litigation, arbitration or an
32 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
33 or against the public body; and

34 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
35 characterizing or partially disclosing the factual information compiled by or at the attorney's di-
36 rection.

37 (10) Public records or information described in this section, furnished by the public body ori-
38 ginally compiling, preparing or receiving them to any other public officer or public body in con-
39 nection with performance of the duties of the recipient, if the considerations originally giving rise
40 to the confidential or exempt nature of the public records or information remain applicable.

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

43 (12) Employee and retiree address, telephone number and other nonfinancial membership records
44 and employee financial records maintained by the Public Employees Retirement System pursuant to
45 ORS chapters 238 and 238A.

1 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
2 agents of the treasurer or the council relating to active or proposed publicly traded investments
3 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
4 liquidation 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 directly into an invest-
7 ment by, or returned from the investment directly to, the treasurer or council; or

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

10 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
11 or liquidation of the investment has been concluded.

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

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

19 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
20 ment vehicles.

21 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
22 vehicles.

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

25 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
26 spective investment vehicles.

27 (F) Investment agreements and related documents.

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

29 (A) The name, address and vintage year of each privately placed investment fund.

30 (B) The dollar amount of the commitment made to each privately placed investment fund since
31 inception of the fund.

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

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

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

40 (F) The net internal rate of return of each privately placed investment fund since inception of
41 the fund.

42 (G) The investment multiple of each privately placed investment fund since inception of the fund.

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

45 (I) The dollar amount of cash profit received from each privately placed investment fund on a

1 fiscal year-end basis.

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

5 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
6 by ORS 98.352.

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

13 (A) Personal financial statements.

14 (B) Financial statements of applicants.

15 (C) Customer lists.

16 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
17 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
18 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
19 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
20 ery or deposition statutes to a party to litigation or potential litigation.

21 (E) Production, sales and cost data.

22 (F) Marketing strategy information that relates to applicant's plan to address specific markets
23 and applicant's strategy regarding specific competitors.

24 (b) The following records, communications and information submitted to the State Department
25 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 applicant is a party if the
30 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
31 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
32 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
33 ery or deposition statutes to a party to litigation or potential litigation.

34 (E) Production, sales and cost data.

35 (F) Marketing strategy information that relates to applicant's plan to address specific markets
36 and applicant's strategy regarding specific competitors.

37 (18) Records, reports or returns submitted by private concerns or enterprises required by law
38 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
39 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
40 information is in a form which would permit identification of the individual concern or enterprise.
41 Nothing in this subsection shall limit the use which can be made of such information for regulatory
42 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
43 payer of the delinquency immediately by certified mail. However, in the event that the payment or
44 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
45 public body shall disclose, upon the request of any person, the following information:

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

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

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

5 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
6 pointed counsel, and all information supplied to the court from whatever source for the purpose of
7 verifying the financial eligibility of a person pursuant to ORS 151.485.

8 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
9 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
10 ness Services, in any of the following circumstances:

11 (a) When necessary for insurers, self-insured employers and third party claim administrators to
12 process workers' compensation claims.

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

15 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
16 to identify any worker who is the subject of a claim.

17 (d) When a worker or the worker's representative requests review of the worker's claim record.

18 (21) Sensitive business records or financial or commercial information of the Oregon Health and
19 Science University that is not customarily provided to business competitors.

20 (22) Records of Oregon Health and Science University regarding candidates for the position of
21 president of the university.

22 (23) The records of a library, including:

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

24 (b) The name of a library patron together with the address or telephone number of the patron;
25 and

26 (c) The electronic mail address of a patron.

27 (24) The following records, communications and information obtained by the Housing and Com-
28 munity Services Department in connection with the department's monitoring or administration of
29 financial assistance or of housing or other developments:

30 (a) Personal and corporate financial statements and information, including tax returns.

31 (b) Credit reports.

32 (c) Project appraisals.

33 (d) Market studies and analyses.

34 (e) Articles of incorporation, partnership agreements and operating agreements.

35 (f) Commitment letters.

36 (g) Project pro forma statements.

37 (h) Project cost certifications and cost data.

38 (i) Audits.

39 (j) Project tenant correspondence.

40 (k) Personal information about a tenant.

41 (L) Housing assistance payments.

42 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
43 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
44 that is not otherwise required by law to be submitted.

45 (26) Sensitive business, commercial or financial information furnished to or developed by a

1 public body engaged in the business of providing electricity or electricity services, if the information
2 is directly related to a transaction described in ORS 261.348, or if the information is directly related
3 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
4 disclosure of the information would cause a competitive disadvantage for the public body or its re-
5 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
6 velopment or review of generally applicable rate schedules.

7 (27) Sensitive business, commercial or financial information furnished to or developed by the
8 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
9 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
10 and disclosure of the information would cause a competitive disadvantage for the Klamath
11 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
12 ment or review of generally applicable rate schedules.

13 (28) Personally identifiable information about customers of a municipal electric utility or a
14 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
15 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
16 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
17 lease personally identifiable information about a customer, and a public body providing water, sewer
18 or storm drain services may release the name, date of birth, driver license number, telephone num-
19 ber, electronic mail address or Social Security number of a customer, if the customer consents in
20 writing or electronically, if the disclosure is necessary for the utility, district or other public body
21 to render services to the customer, if the disclosure is required pursuant to a court order or if the
22 disclosure is otherwise required by federal or state law. The utility, district or other public body
23 may charge as appropriate for the costs of providing such information. The utility, district or other
24 public body may make customer records available to third party credit agencies on a regular basis
25 in connection with the establishment and management of customer accounts or in the event such
26 accounts are delinquent.

27 (29) A record of the street and number of an employee's address submitted to a special district
28 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

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

31 (31) Documents, materials or other information submitted to the Director of the Department of
32 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
33 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
34 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
35 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
36 when:

37 (a) The document, material or other information is received upon notice or with an under-
38 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
39 the document, material or other information; and

40 (b) The director has obligated the Department of Consumer and Business Services not to dis-
41 close the document, material or other information.

42 (32) A county elections security plan developed and filed under ORS 254.074.

43 (33) Information about review or approval of programs relating to the security of:

44 (a) Generation, storage or conveyance of:

45 (A) Electricity;

- 1 (B) Gas in liquefied or gaseous form;
- 2 (C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
- 3 (D) Petroleum products;
- 4 (E) Sewage; or
- 5 (F) Water.

- 6 (b) Telecommunication systems, including cellular, wireless or radio systems.
- 7 (c) Data transmissions by whatever means provided.

8 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
9 ignates the information as confidential by rule under ORS 1.002.

10 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

11 (b) As used in this subsection, “employer account records” means all records maintained in any
12 form that are specifically related to the account of any employer insured, previously insured or un-
13 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
14 mation obtained or developed by the corporation in connection with providing, offering to provide
15 or declining to provide insurance to a specific employer. “Employer account records” includes, but
16 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,
17 employee names and identification information, experience modification factors, loss experience and
18 dividend payment history.

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

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

22 (b) As used in this subsection, “claimant files” includes, but is not limited to, all records held
23 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
24 records pertaining to such a claim.

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

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

29 (38) Records of or submitted to a domestic violence service or resource center that relate to the
30 name or personal information of an individual who visits a center for service, including the date of
31 service, the type of service received, referrals or contact information or personal information of a
32 family member of the individual. As used in this subsection, “domestic violence service or resource
33 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
34 sexual violence by providing referrals, resource information or other assistance specifically of ben-
35 efit to domestic or sexual violence victims.

36 **SECTION 20.** ORS 284.701 is amended to read:

37 284.701. As used in ORS 284.701 to 284.749:

38 (1) “Clean energy” means a technology, product, process or innovation that involves conserva-
39 tion of natural resources, solar energy, green building products and services, biofuels, biomass en-
40 ergy, bio-based products or other renewable and sustainable energy.

41 (2) “Innovation-based economic development” includes, but is not limited to, a technology,
42 product, process or innovation that:

- 43 (a) Derives from and supports innovation and research;
- 44 (b) Promotes Oregon’s market capacities and competitive advantages;
- 45 (c) Involves technology-based innovation;

1 (d) Facilitates the creation of new products, processes and services that retain and create
2 high-wage jobs;

3 (e) Involves the establishment of partnerships between and collaboration with research insti-
4 tutions, the private sector and public entities;

5 (f) Endeavors to transfer innovative technologies to the private sector or to commercialize in-
6 novative research and development; and

7 (g) Includes, but is not limited to, clean energy and clean energy economic development.

8 (3) "Oregon growth business" means:

9 (a) An individual, group of individuals or private sector business entity, including but not limited
10 to a partnership, limited liability company, corporation, firm, association or other business entity,
11 that engages in business that furthers innovation-based economic development, that has the
12 capacity, upon obtaining appropriate capital, to generate significant high-skill, high-wage employ-
13 ment in Oregon and that conducts business in Oregon; or

14 (b) An emerging growth business [*as defined in ORS 348.701*] **consisting of an individual or**
15 **group of individuals or a new or small company, including but not limited to any new or small**
16 **partnership, limited liability company, corporation, firm, association or other business entity,**
17 **that has the capacity, upon obtaining appropriate capital, to generate significant high-skill,**
18 **high-wage employment.**

19 (4) "Public entity" means any agency of the federal or state government, county, city, town,
20 public corporation or political subdivision in this state.

21 (5) "Research institution" means:

22 (a) A community college as defined in ORS 341.005;

23 (b) A public university listed in ORS 352.002;

24 (c) The Oregon Health and Science University public corporation created under ORS 353.020;

25 (d) An Oregon-based, generally accredited, not-for-profit private institution of higher education;

26 (e) A federal research laboratory conducting research in Oregon;

27 (f) A private not-for-profit research institution located in Oregon;

28 (g) An institution for higher education as defined in ORS 289.005; or

29 (h) A private institution of higher education located in Oregon.

30 (6) "Traded sector" has the meaning given that term in ORS 285A.010.

31 **SECTION 21.** ORS 284.706 is amended to read:

32 284.706. (1) There is created the Oregon Innovation Council consisting of the following voting
33 members:

34 (a) The Governor or the Governor's designated representative, who shall be chairperson of the
35 council.

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

38 (c) One member appointed by the Governor who is a representative of an Oregon-based, gener-
39 ally accredited, not-for-profit private institution of higher education.

40 (d) A member of the Oregon Growth [*Account*] Board, appointed by the board[, *who has experi-*
41 *ence in the field of venture capital*].

42 (e) A member of the Engineering and Technology Industry Council, appointed by the Engineer-
43 ing and Technology Industry Council.

44 (f) The Director of the Oregon Business Development Department.

45 (g) The Chancellor of the Oregon University System.

1 (h) The Commissioner for Community College Services.

2 (i) The State Treasurer.

3 (2)(a) The Speaker of the House of Representatives shall appoint two members to the council
4 who are members of the House of Representatives.

5 (b) The President of the Senate shall appoint two members to the council who are members of
6 the Senate.

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

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

11 (a) The presiding officer of the Oregon Business Development Commission.

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

13 (c) The chairperson of the State Board of Education.

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

16 (4) The term of office of each appointed voting member of the council is three years, but an
17 appointed member serves at the pleasure of the appointing authority. Before the expiration of the
18 term of an appointed voting member, the appointing authority shall appoint a successor whose term
19 begins on July 1 next following. An appointed member is eligible for reappointment. If there is a
20 vacancy for any cause, the appointing authority shall make an appointment to become immediately
21 effective for the remainder of the unexpired term.

22 (5) A majority of the voting members of the council constitutes a quorum for the transaction
23 of business.

24 (6) Official action by the council requires the approval of a majority of the voting members of
25 the council.

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

29 (8) The council may adopt rules necessary for the operation of the council.

30 (9) The council may establish committees and delegate to the committees duties as the council
31 considers desirable.

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

33 (11) Members of the council who are members of the Legislative Assembly are entitled to com-
34 pensation and expense reimbursement as provided in ORS 171.072.

35 (12) Members of the council who are not members of the Legislative Assembly are entitled to
36 compensation and expenses incurred by them in the performance of their official duties in the man-
37 ner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members
38 of the council who are public officers shall be paid out of funds appropriated to the public agency
39 that employs the member. Claims for compensation and expenses of members of the council who are
40 not public officers shall be paid out of funds appropriated to the Oregon Business Development De-
41 partment for that purpose.

42 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the
43 council in the performance of its duties and, to the extent permitted by laws relating to
44 confidentiality, to furnish such information and advice as the members of the council consider nec-
45 essary to perform their duties.

1 **SECTION 22.** ORS 293.731 is amended to read:

2 293.731. Subject to the objective set forth in ORS 293.721 and the standards set forth in ORS
3 293.726, the Oregon Investment Council shall formulate policies for the investment and reinvestment
4 of moneys in the investment funds and the acquisition, retention, management and disposition of
5 investments of the investment funds. The council, from time to time, shall review those policies and
6 make changes therein as it considers necessary or desirable. The council may formulate separate
7 policies for any fund included in the investment funds. This section does not apply to the Oregon
8 Growth Account, **the Oregon Growth Fund**, the Oregon Growth [Account] Board, the Oregon
9 Commercialized Research Fund, the Oregon Innovation Fund or the Oregon Innovation Council.

10 **SECTION 23.** ORS 293.733 is amended to read:

11 293.733. (1) In making and implementing investment decisions related to venture capital, the
12 Oregon Investment Council and the investment officer have a duty to look first at Oregon opportu-
13 nities for diversification unless, under the circumstances, it is not prudent to do so.

14 (2) At any given time, the council shall have at least \$100 million in venture capital investments
15 in Oregon unless, under the circumstances, it is not prudent to do so.

16 (3) As used in this section:

17 (a) “Emerging growth business” [has the meaning given that term in ORS 348.701] **means an**
18 **individual or group of individuals or a new or small company, including but not limited to**
19 **any new or small partnership, limited liability company, corporation, firm, association or**
20 **other business entity, that has the capacity, upon obtaining appropriate capital, to generate**
21 **significant high-skill, high-wage employment.**

22 (b) “Venture capital” includes but is not limited to emerging growth businesses.

23 **SECTION 24.** ORS 293.761 is amended to read:

24 293.761. (1) The investment officer shall follow generally accepted accounting practices and
25 provide to the officer or body having control and administration of any investment funds any infor-
26 mation necessary for financial reporting required by law.

27 *[(2) The investment officer shall separately identify investments held in the Oregon Growth Account*
28 *established in ORS 348.702 and the Oregon Resource and Technology Development Subaccount estab-*
29 *lished in ORS 348.706 as part of the information provided under this section on the Education Stability*
30 *Fund.]*

31 **(2) The investment officer shall separately identify investments held in the Oregon**
32 **Growth Account established in ORS 348.702 as part of the information provided under this**
33 **section on the Education Stability Fund.**

34 **SECTION 25.** ORS 293.796 is amended to read:

35 293.796. (1) The Legislative Assembly finds that:

36 (a) The availability of venture capital for the start-up and subsequent expansion of new busi-
37 nesses is critical to the continued growth and development of the economy of Oregon.

38 (b) There exists an estimated gap of between \$100 million and \$200 million between available
39 venture capital resources and the need of Oregon businesses for such resources.

40 (c) Investments in start-up and expanding businesses, in minority or women business enterprises
41 and in emerging growth businesses can produce substantial positive returns for long-term investors.

42 (d) Pension funds managed by the Oregon Investment Council constitute a major financial re-
43 source of the State of Oregon, and that such funds may be prudently invested in start-up and
44 emerging growth businesses in this state under policies established by the Oregon Investment
45 Council.

1 (2) As used in this section:

2 (a) "Emerging growth business" *[has the meaning given that term in ORS 348.701]* means an
3 individual or group of individuals or a new or small company, including but not limited to
4 any new or small partnership, limited liability company, corporation, firm, association or
5 other business entity, that has the capacity, upon obtaining appropriate capital, to generate
6 significant high-skill, high-wage employment.

7 (b) "Minority or women business enterprise" has the meaning given that term in ORS 200.005.
8

9
10 **OPERATIVE DATE RELATING TO**
11 **OREGON GROWTH BOARD, OREGON GROWTH FUND AND**
12 **TRANSFER OF AUTHORITY**

13 **SECTION 26.** Sections 5, 6, 7 and 12 to 18 of this 2012 Act, the amendments to ORS
14 192.502, 284.701, 284.706, 293.731, 293.733, 293.761, 293.796 and 348.702 by sections 7a and 19 to
15 25 of this 2012 Act and the repeal of ORS 348.701, 348.703, 348.704, 348.706, 348.707 and 348.710
16 by section 10 of this 2012 Act become operative on January 2, 2014.
17

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

23 **SECTION 27.** Sections 5, 6, 7 and 10 (repealing ORS 348.701, 348.703, 348.704, 348.706,
24 348.707 and 348.710), 12 to 18 and 26 of this 2012 Act are repealed on the operative date
25 specified in section 28 of this 2012 Act.

26 **SECTION 28.** The repeal of sections 5, 6, 7 and 10 (repealing ORS 348.701, 348.703, 348.704,
27 348.706, 348.707 and 348.710), 12 to 18 and 26 of this 2012 Act by section 27 of this 2012 Act and
28 the amendments to ORS 192.502, 244.050, 284.706, 284.731, 293.761 and 348.702 by sections 29
29 to 33a of this 2012 Act become operative on June 30, 2013.
30

31 **CONFORMING AMENDMENTS RELATING TO**
32 **REPEAL OF PROVISIONS RELATING TO THE**
33 **OREGON GROWTH BOARD AND TRANSFER OF AUTHORITY**
34

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

36 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
37 Government Ethics Commission a verified statement of economic interest as required under this
38 chapter:

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

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

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

44 (d) The Deputy Attorney General.

45 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the

1 Secretary of the Senate and the Chief Clerk of the House of Representatives.

2 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and
3 vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.

4 (g) The following state officers:

5 (A) Adjutant General.

6 (B) Director of Agriculture.

7 (C) Manager of State Accident Insurance Fund Corporation.

8 (D) Water Resources Director.

9 (E) Director of Department of Environmental Quality.

10 (F) Director of Oregon Department of Administrative Services.

11 (G) State Fish and Wildlife Director.

12 (H) State Forester.

13 (I) State Geologist.

14 (J) Director of Human Services.

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

16 (L) Director of the Department of State Lands.

17 (M) State Librarian.

18 (N) Administrator of Oregon Liquor Control Commission.

19 (O) Superintendent of State Police.

20 (P) Director of the Public Employees Retirement System.

21 (Q) Director of Department of Revenue.

22 (R) Director of Transportation.

23 (S) Public Utility Commissioner.

24 (T) Director of Veterans' Affairs.

25 (U) Executive director of Oregon Government Ethics Commission.

26 (V) Director of the State Department of Energy.

27 (W) Director and each assistant director of the Oregon State Lottery.

28 (X) Director of the Department of Corrections.

29 (Y) Director of the Oregon Department of Aviation.

30 (Z) Executive director of the Oregon Criminal Justice Commission.

31 (AA) Director of the Oregon Business Development Department.

32 (BB) Director of the Office of Emergency Management.

33 (CC) Director of the Employment Department.

34 (DD) Chief of staff for the Governor.

35 (EE) Administrator of the Office for Oregon Health Policy and Research.

36 (FF) Director of the Housing and Community Services Department.

37 (GG) State Court Administrator.

38 (HH) Director of the Department of Land Conservation and Development.

39 (II) Board chairperson of the Land Use Board of Appeals.

40 (JJ) State Marine Director.

41 (KK) Executive director of the Oregon Racing Commission.

42 (LL) State Parks and Recreation Director.

43 (MM) Public defense services executive director.

44 (NN) Chairperson of the Public Employees' Benefit Board.

45 (OO) Director of the Department of Public Safety Standards and Training.

- 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 and clerical personnel.
- 7 (i) Every elected city or county official.
- 8 (j) Every member of a city or county planning, zoning or development commission.
- 9 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 10 cipal administrator of the city or county.
- 11 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 12 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 13 ficer thereof.
- 14 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 15 (o) The chief administrative officer and the financial officer of each common and union high
- 16 school district, education service district and community college district.
- 17 (p) Every member of the following state boards and commissions:
- 18 (A) Board of Geologic and Mineral Industries.
- 19 (B) Oregon Business Development Commission.
- 20 (C) State Board of Education.
- 21 (D) Environmental Quality Commission.
- 22 (E) Fish and Wildlife Commission of the State of Oregon.
- 23 (F) State Board of Forestry.
- 24 (G) Oregon Government Ethics Commission.
- 25 (H) Oregon Health Policy Board.
- 26 (I) State Board of Higher Education.
- 27 (J) Oregon Investment Council.
- 28 (K) Land Conservation and Development Commission.
- 29 (L) Oregon Liquor Control Commission.
- 30 (M) Oregon Short Term Fund Board.
- 31 (N) State Marine Board.
- 32 (O) Mass transit district boards.
- 33 (P) Energy Facility Siting Council.
- 34 (Q) Board of Commissioners of the Port of Portland.
- 35 (R) Employment Relations Board.
- 36 (S) Public Employees Retirement Board.
- 37 (T) Oregon Racing Commission.
- 38 (U) Oregon Transportation Commission.
- 39 (V) Wage and Hour Commission.
- 40 (W) Water Resources Commission.
- 41 (X) Workers' Compensation Board.
- 42 (Y) Oregon Facilities Authority.
- 43 (Z) Oregon State Lottery Commission.
- 44 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
- 45 (BB) Columbia River Gorge Commission.

1 (CC) Oregon Health and Science University Board of Directors.

2 (DD) Capitol Planning Commission.

3 (EE) Higher Education Coordinating Commission.

4 [(FF) Oregon Growth Board.]

5 (q) The following officers of the State Treasurer:

6 (A) Deputy State Treasurer.

7 (B) Chief of staff for the office of the State Treasurer.

8 (C) Director of the Investment Division.

9 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
10 or 777.915 to 777.953.

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

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

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

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

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

28 (6) If a statement required to be filed under this section has not been received by the commis-
29 sion within five days after the date the statement is due, the commission shall notify the public of-
30 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
31 requirements of this section. If the public official or candidate fails to comply by the date set by the
32 commission, the commission may impose a civil penalty as provided in ORS 244.350.

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

34 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

35 (1) Communications within a public body or between public bodies of an advisory nature to the
36 extent that they cover other than purely factual materials and are preliminary to any final agency
37 determination of policy or action. This exemption shall not apply unless the public body shows that
38 in the particular instance the public interest in encouraging frank communication between officials
39 and employees of public bodies clearly outweighs the public interest in disclosure.

40 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
41 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
42 public interest by clear and convincing evidence requires disclosure in the particular instance. The
43 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
44 tute an unreasonable invasion of privacy.

45 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and

1 telephone numbers contained in personnel records maintained by the public body that is the em-
2 ployer or the recipient of volunteer services. This exemption:

3 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
4 unteers who are elected officials, except that a judge or district attorney subject to election may
5 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
6 terms of ORS 192.445;

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

10 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-
11 fessional education association of which the substitute teacher may be a member; and

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

13 (4) Information submitted to a public body in confidence and not otherwise required by law to
14 be submitted, where such information should reasonably be considered confidential, the public body
15 has obliged itself in good faith not to disclose the information, and when the public interest would
16 suffer by the disclosure.

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

22 (6) Records, reports and other information received or compiled by the Director of the Depart-
23 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
24 otherwise required by law to be made public, to the extent that the interests of lending institutions,
25 their officers, employees and customers in preserving the confidentiality of such information out-
26 weighs 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 prohibited by federal law or
29 regulations.

30 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-
31 wise made confidential or privileged under Oregon law.

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

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

35 (B) The factual information is not prohibited from disclosure under any applicable state or fed-
36 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.410
37 to 192.505;

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

41 (D) The factual information was not compiled in preparation for litigation, arbitration or an
42 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
43 or against the public body; and

44 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
45 characterizing or partially disclosing the factual information compiled by or at the attorney's di-

1 rection.

2 (10) Public records or information described in this section, furnished by the public body ori-
3 ginally compiling, preparing or receiving them to any other public officer or public body in con-
4 nection with performance of the duties of the recipient, if the considerations originally giving rise
5 to the confidential or exempt nature of the public records or information remain applicable.

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

8 (12) Employee and retiree address, telephone number and other nonfinancial membership records
9 and employee financial records maintained by the Public Employees Retirement System pursuant to
10 ORS chapters 238 and 238A.

11 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
12 agents of the treasurer or the council relating to active or proposed publicly traded investments
13 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
14 liquidation of the investments. For the purposes of this subsection:

15 (a) The exemption does not apply to:

16 (A) Information in investment records solely related to the amount paid directly into an invest-
17 ment by, or returned from the investment directly to, the treasurer or council; or

18 (B) The identity of the entity to which the amount was paid directly or from which the amount
19 was received directly.

20 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange
21 or liquidation of the investment has been concluded.

22 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council[, *the*
23 *Oregon Growth Board*], **the Oregon Growth Account Board** or the agents of the treasurer, council
24 or board relating to actual or proposed investments under ORS chapter 293 or 348 in a privately
25 placed investment fund or a private asset including but not limited to records regarding the solici-
26 tation, acquisition, deployment, exchange or liquidation of the investments including but not limited
27 to:

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

30 (B) Financial statements of an investment fund, an asset ownership or their respective invest-
31 ment vehicles.

32 (C) Meeting materials of an investment fund, an asset ownership or their respective investment
33 vehicles.

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

36 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-
37 spective investment vehicles.

38 (F) Investment agreements and related documents.

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

40 (A) The name, address and vintage year of each privately placed investment fund.

41 (B) The dollar amount of the commitment made to each privately placed investment fund since
42 inception of the fund.

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

45 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State

1 Treasurer, the Oregon Investment Council[, *the Oregon Growth Board*], **the Oregon Growth Ac-**
2 **count Board** or the agents of the treasurer, council or board from each privately placed investment
3 fund.

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

8 (F) The net internal rate of return of each privately placed investment fund since inception of
9 the fund.

10 (G) The investment multiple of each privately placed investment fund since inception of the fund.

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

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

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

18 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted
19 by ORS 98.352.

20 (17)(a) The following records, communications and information submitted to the Oregon Business
21 Development Commission, the Oregon Business Development Department, the State Department of
22 Agriculture, [*the Oregon Growth Board*,] **the Oregon Growth Account Board**, the Port of Portland
23 or other ports as defined in ORS 777.005, or a county or city governing body and any board, de-
24 partment, commission, council or agency thereof, by applicants for investment funds, grants, loans,
25 services or economic development moneys, support or assistance including, but not limited to, those
26 described in ORS 285A.224:

27 (A) Personal financial statements.

28 (B) Financial statements of applicants.

29 (C) Customer lists.

30 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
31 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
32 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
33 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
34 ery or deposition statutes to a party to litigation or potential litigation.

35 (E) Production, sales and cost data.

36 (F) Marketing strategy information that relates to applicant's plan to address specific markets
37 and applicant's strategy regarding specific competitors.

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

40 (A) Personal financial statements.

41 (B) Financial statements of applicants.

42 (C) Customer lists.

43 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the
44 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
45 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been

1 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
2 ery or deposition statutes to a party to litigation or potential litigation.

3 (E) Production, sales and cost data.

4 (F) Marketing strategy information that relates to applicant's plan to address specific markets
5 and applicant's strategy regarding specific competitors.

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

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

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

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

19 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
20 pointed counsel, and all information supplied to the court from whatever source for the purpose of
21 verifying the financial eligibility of a person pursuant to ORS 151.485.

22 (20) Workers' compensation claim records of the Department of Consumer and Business Services,
23 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
24 ness Services, in any of the following circumstances:

25 (a) When necessary for insurers, self-insured employers and third party claim administrators to
26 process workers' compensation claims.

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

29 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
30 to identify any worker who is the subject of a claim.

31 (d) When a worker or the worker's representative requests review of the worker's claim record.

32 (21) Sensitive business records or financial or commercial information of the Oregon Health and
33 Science University that is not customarily provided to business competitors.

34 (22) Records of Oregon Health and Science University regarding candidates for the position of
35 president of the university.

36 (23) The records of a library, including:

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

38 (b) The name of a library patron together with the address or telephone number of the patron;
39 and

40 (c) The electronic mail address of a patron.

41 (24) The following records, communications and information obtained by the Housing and Com-
42 munity Services Department in connection with the department's monitoring or administration of
43 financial assistance or of housing or other developments:

44 (a) Personal and corporate financial statements and information, including tax returns.

45 (b) Credit reports.

- 1 (c) Project appraisals.
- 2 (d) Market studies and analyses.
- 3 (e) Articles of incorporation, partnership agreements and operating agreements.
- 4 (f) Commitment letters.
- 5 (g) Project pro forma statements.
- 6 (h) Project cost certifications and cost data.
- 7 (i) Audits.
- 8 (j) Project tenant correspondence.
- 9 (k) Personal information about a tenant.
- 10 (L) Housing assistance payments.
- 11 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
12 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
13 that is not otherwise required by law to be submitted.
- 14 (26) Sensitive business, commercial or financial information furnished to or developed by a
15 public body engaged in the business of providing electricity or electricity services, if the information
16 is directly related to a transaction described in ORS 261.348, or if the information is directly related
17 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
18 disclosure of the information would cause a competitive disadvantage for the public body or its re-
19 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
20 velopment or review of generally applicable rate schedules.
- 21 (27) Sensitive business, commercial or financial information furnished to or developed by the
22 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
23 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
24 and disclosure of the information would cause a competitive disadvantage for the Klamath
25 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
26 ment or review of generally applicable rate schedules.
- 27 (28) Personally identifiable information about customers of a municipal electric utility or a
28 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
29 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
30 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
31 lease personally identifiable information about a customer, and a public body providing water, sewer
32 or storm drain services may release the name, date of birth, driver license number, telephone num-
33 ber, electronic mail address or Social Security number of a customer, if the customer consents in
34 writing or electronically, if the disclosure is necessary for the utility, district or other public body
35 to render services to the customer, if the disclosure is required pursuant to a court order or if the
36 disclosure is otherwise required by federal or state law. The utility, district or other public body
37 may charge as appropriate for the costs of providing such information. The utility, district or other
38 public body may make customer records available to third party credit agencies on a regular basis
39 in connection with the establishment and management of customer accounts or in the event such
40 accounts are delinquent.
- 41 (29) A record of the street and number of an employee's address submitted to a special district
42 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.
- 43 (30) Sensitive business records, capital development plans or financial or commercial information
44 of Oregon Corrections Enterprises that is not customarily provided to business competitors.
- 45 (31) Documents, materials or other information submitted to the Director of the Department of

1 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
2 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
3 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
4 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code
5 when:

6 (a) The document, material or other information is received upon notice or with an under-
7 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of
8 the document, material or other information; and

9 (b) The director has obligated the Department of Consumer and Business Services not to dis-
10 close the document, material or other information.

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

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

13 (a) Generation, storage or conveyance of:

14 (A) Electricity;

15 (B) Gas in liquefied or gaseous form;

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

17 (D) Petroleum products;

18 (E) Sewage; or

19 (F) Water.

20 (b) Telecommunication systems, including cellular, wireless or radio systems.

21 (c) Data transmissions by whatever means provided.

22 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-
23 ignates the information as confidential by rule under ORS 1.002.

24 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

25 (b) As used in this subsection, "employer account records" means all records maintained in any
26 form that are specifically related to the account of any employer insured, previously insured or un-
27 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
28 mation obtained or developed by the corporation in connection with providing, offering to provide
29 or declining to provide insurance to a specific employer. "Employer account records" includes, but
30 is not limited to, an employer's payroll records, premium payment history, payroll classifications,
31 employee names and identification information, experience modification factors, loss experience and
32 dividend payment history.

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

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

36 (b) As used in this subsection, "claimant files" includes, but is not limited to, all records held
37 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
38 records pertaining to such a claim.

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

41 (37) Except as authorized by ORS 408.425, records that certify or verify an individual's discharge
42 or other separation from military service.

43 (38) Records of or submitted to a domestic violence service or resource center that relate to the
44 name or personal information of an individual who visits a center for service, including the date of
45 service, the type of service received, referrals or contact information or personal information of a

1 family member of the individual. As used in this subsection, “domestic violence service or resource
2 center” means an entity, the primary purpose of which is to assist persons affected by domestic or
3 sexual violence by providing referrals, resource information or other assistance specifically of ben-
4 efit to domestic or sexual violence victims.

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

6 284.706. (1) There is created the Oregon Innovation Council consisting of the following voting
7 members:

8 (a) The Governor or the Governor’s designated representative, who shall be chairperson of the
9 council.

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

12 (c) One member appointed by the Governor who is a representative of an Oregon-based, gener-
13 ally accredited, not-for-profit private institution of higher education.

14 (d) A member of the Oregon Growth **Account** Board, appointed by the board, **who has expe-**
15 **rience in the field of venture capital.**

16 (e) A member of the Engineering and Technology Industry Council, appointed by the Engineer-
17 ing and Technology Industry Council.

18 (f) The Director of the Oregon Business Development Department.

19 (g) The Chancellor of the Oregon University System.

20 (h) The Commissioner for Community College Services.

21 (i) The State Treasurer.

22 (2)(a) The Speaker of the House of Representatives shall appoint two members to the council
23 who are members of the House of Representatives.

24 (b) The President of the Senate shall appoint two members to the council who are members of
25 the Senate.

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

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

30 (a) The presiding officer of the Oregon Business Development Commission.

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

32 (c) The chairperson of the State Board of Education.

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

35 (4) The term of office of each appointed voting member of the council is three years, but an
36 appointed member serves at the pleasure of the appointing authority. Before the expiration of the
37 term of an appointed voting member, the appointing authority shall appoint a successor whose term
38 begins on July 1 next following. An appointed member is eligible for reappointment. If there is a
39 vacancy for any cause, the appointing authority shall make an appointment to become immediately
40 effective for the remainder of the unexpired term.

41 (5) A majority of the voting members of the council constitutes a quorum for the transaction
42 of business.

43 (6) Official action by the council requires the approval of a majority of the voting members of
44 the council.

45 (7) The council shall meet at least twice per fiscal year at a place, day and time determined by

1 the chairperson. The council may also meet at other times and places specified by a call of the
2 chairperson or by written request of a majority of the voting members of the council.

3 (8) The council may adopt rules necessary for the operation of the council.

4 (9) The council may establish committees and delegate to the committees duties as the council
5 considers desirable.

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

7 (11) Members of the council who are members of the Legislative Assembly are entitled to com-
8 pensation and expense reimbursement as provided in ORS 171.072.

9 (12) Members of the council who are not members of the Legislative Assembly are entitled to
10 compensation and expenses incurred by them in the performance of their official duties in the man-
11 ner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members
12 of the council who are public officers shall be paid out of funds appropriated to the public agency
13 that employs the member. Claims for compensation and expenses of members of the council who are
14 not public officers shall be paid out of funds appropriated to the Oregon Business Development De-
15 partment for that purpose.

16 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the
17 council in the performance of its duties and, to the extent permitted by laws relating to
18 confidentiality, to furnish such information and advice as the members of the council consider nec-
19 essary to perform their duties.

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

21 293.731. Subject to the objective set forth in ORS 293.721 and the standards set forth in ORS
22 293.726, the Oregon Investment Council shall formulate policies for the investment and reinvestment
23 of moneys in the investment funds and the acquisition, retention, management and disposition of
24 investments of the investment funds. The council, from time to time, shall review those policies and
25 make changes therein as it considers necessary or desirable. The council may formulate separate
26 policies for any fund included in the investment funds. This section does not apply to the Oregon
27 Growth Account, [*the Oregon Growth Fund,*] the Oregon Growth **Account** Board, the Oregon
28 Commercialized Research Fund, the Oregon Innovation Fund or the Oregon Innovation Council.

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

30 293.761. (1) The investment officer shall follow generally accepted accounting practices and
31 provide to the officer or body having control and administration of any investment funds any infor-
32 mation necessary for financial reporting required by law.

33 (2) The investment officer shall separately identify investments held in the Oregon Growth Ac-
34 count established in ORS 348.702 **and the Oregon Resource and Technology Development Sub-**
35 **account established in ORS 348.706** as part of the information provided under this section on the
36 Education Stability Fund.

37 **SECTION 33a.** ORS 348.702, as amended by section 2, chapter 805, Oregon Laws 2009, and
38 section 7a of this 2012 Act, is amended to read:

39 348.702. (1) There is created within the Education Stability Fund the Oregon Growth Account,
40 to which shall be credited, in the manner provided in subsection (2) of this section, 10 percent of the
41 funds transferred under section 4, Article XV of the Oregon Constitution, from the Administrative
42 Services Economic Development Fund to the Education Stability Fund. Separate records shall be
43 maintained for moneys in the Oregon Growth Account that are available for the purposes specified
44 in subsection (5) of this section. The account may be credited with unrestricted appropriations, gifts,
45 donations, grants or contract proceeds from any source, with investments or funds from any source

1 and with returns on investments made from the account.

2 (2) The Oregon Department of Administrative Services may credit to the Oregon Growth Ac-
3 count from the first funds transferred in a fiscal year to the Education Stability Fund under section
4 4, Article XV of the Oregon Constitution, an amount up to the amount the department estimates to
5 be 10 percent of the funds required to be transferred to the Education Stability Fund for that fiscal
6 year.

7 (3) If at the end of the fiscal year the amount credited to the Oregon Growth Account under
8 subsection (2) of this section is less than or greater than 10 percent of the amount required to be
9 transferred under section 4, Article XV of the Oregon Constitution, to the Education Stability Fund,
10 the amount credited to the Oregon Growth Account shall be adjusted in one of the following ways:

11 (a) The amount credited to the account in the following fiscal year may be adjusted;

12 (b) Any excess may be transferred from the Oregon Growth Account to the Education Stability
13 Fund; or

14 (c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth
15 Account from funds available for that purpose.

16 (4) Adjustments required by subsection (3) of this section shall be made without consideration
17 of any interest or other earnings that have accrued during the fiscal year.

18 (5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability
19 Fund **by making investments in or by providing seed capital for emerging growth**
20 **businesses.**

21 (6) The investment of funds in the Oregon Growth Account shall be governed by the Oregon
22 Growth **Account** Board.

23 *[(7) The Oregon Growth Board may use moneys in the Oregon Growth Account to pay the ad-*
24 *ministrative costs associated with the account and with administering those portions of sections 1 to 7*
25 *of this 2012 Act that pertain to the account.]*

26
27 **ABOLISHMENT OF OREGON GROWTH BOARD**

28
29 **SECTION 34. On the operative date specified in section 35 of this 2012 Act:**

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

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

32 **SECTION 35. The repeal of sections 1, 2 and 3 of this 2012 Act by section 34 of this 2012**
33 **Act becomes operative on June 30, 2014.**

34 **SECTION 36. If section 26 of this 2012 Act is not repealed by section 27 of this 2012 Act,**
35 **sections 34 (repealing sections 1, 2 and 3 of this 2012 Act) and 35 of this 2012 Act are repealed**
36 **on January 1, 2014.**

37
38 **UNIT CAPTIONS**

39
40 **SECTION 37. The unit captions used in this 2012 Act are provided only for the conven-**
41 **ience of the reader and do not become part of the statutory law of this state or express any**
42 **legislative intent in the enactment of this 2012 Act.**

43
44 **EMERGENCY CLAUSE**

1 **SECTION 38.** This 2012 Act being necessary for the immediate preservation of the public
2 peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect
3 on its passage.

4
