

## HOUSE AMENDMENTS TO HOUSE BILL 4040

By COMMITTEE ON TRANSPORTATION AND ECONOMIC DEVELOPMENT

February 9

- 1 On page 1 of the printed bill, line 2, after “192.502,” insert “244.050.”
- 2 On page 2, delete line 18 and insert “who reflect the identity of the Legislative Assembly by  
3 political party affiliation at the time the persons are appointed and who are”.
- 4 Delete lines 24 through 28 and insert:  
5 “(C) Four members shall be appointed as follows:  
6 “(i) One member with experience in banking;  
7 “(ii) One member with experience in credit union operations;  
8 “(iii) One member with experience managing investments; and  
9 “(iv) One member with experience as a small business employer in this state.”
- 10 On page 3, delete lines 44 and 45 and insert:  
11 “(4) To qualify or certify businesses that invest in the Oregon Growth Fund for any investment  
12 incentive approved by the board.”.
- 13 On page 4, delete line 1.  
14 In line 11, after the period insert “Delegation of duties, functions or powers under this para-  
15 graph must be done pursuant to written agreement.”.
- 16 Delete lines 12 through 15.  
17 In line 16, delete “(7)” and insert “(6)”.
- 18 In line 19, delete “(8)” and insert “(7)”.
- 19 In line 21, delete “and”.
- 20 After line 21, insert:  
21 “(b) Guidelines regarding the amount and type of leverage to maximize investments and any  
22 other resources available to, and subject to the authority of, the board; and”.
- 23 In line 22, delete “(b)” and insert “(c)”.
- 24 In line 24, delete “(9)” and insert “(8)”.
- 25 Delete lines 41 and 42.  
26 In line 43, delete “(3)” and insert “(2)”.
- 27 On page 5, line 6, delete “(4)” and insert “(3)”.
- 28 In line 9, delete “(5)” and insert “(4)”.
- 29 Delete lines 31 through 38 and insert:  
30 **“SECTION 8. The Oregon Growth Board shall submit a report to the Legislative Assem-  
31 bly on or before January 1, 2013. The report required by this section shall include a proposal  
32 for a plan that includes, but is not limited to:**  
33 **“(1) Recommendations for the implementation and administration of sections 1 to 7 of  
34 this 2012 Act;**  
35 **“(2) Policies and procedures for investment and management of moneys in the Oregon**

1 **Growth Fund;**

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

4 **“(4) Recommendations for legislation relating to the Oregon Growth Board and the**  
5 **Oregon Growth Fund that will further economic development.**

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

7 “244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
8 Government Ethics Commission a verified statement of economic interest as required under this  
9 chapter:

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

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

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

15 “(d) The Deputy Attorney General.

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

18 “(f) The Chancellor and Vice Chancellors of the Oregon University System and the president  
19 and vice presidents, or their administrative equivalents, in each public university listed in ORS  
20 352.002.

21 “(g) The following state officers:

22 “(A) Adjutant General.

23 “(B) Director of Agriculture.

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

25 “(D) Water Resources Director.

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

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

28 “(G) State Fish and Wildlife Director.

29 “(H) State Forester.

30 “(I) State Geologist.

31 “(J) Director of Human Services.

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

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

34 “(M) State Librarian.

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

36 “(O) Superintendent of State Police.

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

38 “(Q) Director of Department of Revenue.

39 “(R) Director of Transportation.

40 “(S) Public Utility Commissioner.

41 “(T) Director of Veterans’ Affairs.

42 “(U) Executive director of Oregon Government Ethics Commission.

43 “(V) Director of the State Department of Energy.

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

45 “(X) Director of the Department of Corrections.

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

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

1 filing deadline for the statewide general election.

2 “(6) If a statement required to be filed under this section has not been received by the com-  
3 mission within five days after the date the statement is due, the commission shall notify the public  
4 official or candidate and give the public official or candidate not less than 15 days to comply with  
5 the requirements of this section. If the public official or candidate fails to comply by the date set  
6 by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

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

8 “244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
9 Government Ethics Commission a verified statement of economic interest as required under this  
10 chapter:

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

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

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

16 “(d) The Deputy Attorney General.

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

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

22 “(g) The following state officers:

23 “(A) Adjutant General.

24 “(B) Director of Agriculture.

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

26 “(D) Water Resources Director.

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

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

29 “(G) State Fish and Wildlife Director.

30 “(H) State Forester.

31 “(I) State Geologist.

32 “(J) Director of Human Services.

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

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

35 “(M) State Librarian.

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

37 “(O) Superintendent of State Police.

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

39 “(Q) Director of Department of Revenue.

40 “(R) Director of Transportation.

41 “(S) Public Utility Commissioner.

42 “(T) Director of Veterans’ Affairs.

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44 “(V) Director of the State Department of Energy.

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- 1 “(X) Director of the Department of Corrections.
- 2 “(Y) Director of the Oregon Department of Aviation.
- 3 “(Z) Executive director of the Oregon Criminal Justice Commission.
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- 5 “(BB) Director of the Office of Emergency Management.
- 6 “(CC) Director of the Employment Department.
- 7 “(DD) Chief of staff for the Governor.
- 8 “(EE) Administrator of the Office for Oregon Health Policy and Research.
- 9 “(FF) Director of the Housing and Community Services Department.
- 10 “(GG) State Court Administrator.
- 11 “(HH) Director of the Department of Land Conservation and Development.
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- 19 “(PP) Chairperson of the Oregon Student Access Commission.
- 20 “(QQ) Executive director of the Oregon Watershed Enhancement Board.
- 21 “(RR) Director of the Oregon Youth Authority.
- 22 “(SS) Director of the Oregon Health Authority.
- 23 “(TT) Deputy Superintendent of Public Instruction.
- 24 “(h) Any assistant in the Governor’s office other than personal secretaries and clerical person-  
25 nel.
- 26 “(i) Every elected city or county official.
- 27 “(j) Every member of a city or county planning, zoning or development commission.
- 28 “(k) The chief executive officer of a city or county who performs the duties of manager or  
29 principal administrator of the city or county.
- 30 “(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 31 “(m) Every member of a governing body of a metropolitan service district and the executive of-  
32 ficer thereof.
- 33 “(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 34 “(o) The chief administrative officer and the financial officer of each common and union high  
35 school district, education service district and community college district.
- 36 “(p) Every member of the following state boards and commissions:
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- 38 “(B) Oregon Business Development Commission.
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26 “(C) Director of the Investment Division.  
27 “(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
28 or 777.915 to 777.953.  
29 “(s) Every member of the board of directors of an authority created under ORS 441.525 to  
30 441.595.  
31 “(2) By April 15 next after the date an appointment takes effect, every appointed public official  
32 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
33 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
34 and 244.090.  
35 “(3) By April 15 next after the filing deadline for the primary election, each candidate described  
36 in subsection (1) of this section shall file with the commission a statement of economic interest as  
37 required under ORS 244.060, 244.070 and 244.090.  
38 “(4) Within 30 days after the filing deadline for the general election, each candidate described  
39 in subsection (1) of this section who was not a candidate in the preceding primary election, or who  
40 was nominated for public office described in subsection (1) of this section at the preceding primary  
41 election by write-in votes, shall file with the commission a statement of economic interest as re-  
42 quired under ORS 244.060, 244.070 and 244.090.  
43 “(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
44 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
45 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the

1 filing deadline for the statewide general election.

2 “(6) If a statement required to be filed under this section has not been received by the com-  
3 mission within five days after the date the statement is due, the commission shall notify the public  
4 official or candidate and give the public official or candidate not less than 15 days to comply with  
5 the requirements of this section. If the public official or candidate fails to comply by the date set  
6 by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

7  
8 **“TRANSFER OF FUNDS FROM EDUCATION STABILITY FUND  
9 TO OREGON GROWTH FUND UPON ABOLISHMENT OF  
10 OREGON GROWTH ACCOUNT BOARD AND  
11 OREGON GROWTH ACCOUNT”.**

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

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

14  
15 **“OPERATIVE DATE RELATING TO  
16 OREGON GROWTH BOARD, OREGON GROWTH FUND AND  
17 TRANSFER OF AUTHORITY**

18  
19 **“SECTION 26. Sections 5, 6, 7, 9b and 11 to 18 of this 2012 Act, the amendments to ORS  
20 192.502, 284.701, 284.706, 284.731, 293.733, 293.761 and 293.796 by sections 19 to 25 of this 2012  
21 Act and the repeal of ORS 348.701, 348.702, 348.703, 348.704, 348.706, 348.707 and 348.710 and  
22 section 7, chapter 805, Oregon Laws 2009, by section 10 of this 2012 Act become operative on  
23 January 2, 2014.**

24  
25 **“REPEAL OF PROVISIONS RELATING TO THE  
26 OREGON GROWTH BOARD AND  
27 THE OREGON GROWTH FUND AND  
28 TRANSFER OF AUTHORITY**

29  
30 **“SECTION 27. Sections 5, 6, 7, 9b, 10 (repealing ORS 348.701, 348.702, 348.703, 348.704,  
31 348.706, 348.707 and 348.710 and section 7, chapter 805, Oregon Laws 2009), 11 to 18 and 26 of  
32 this 2012 Act are repealed on the operative date specified in section 28 of this 2012 Act.**

33 **“SECTION 28. The repeal of sections 5, 6, 7, 9b, 10 (repealing ORS 348.701, 348.702, 348.703,  
34 348.704, 348.706, 348.707 and 348.710 and section 7, chapter 805, Oregon Laws 2009), 11 to 18  
35 and 26 of this 2012 Act by section 27 of this 2012 Act becomes operative on June 30, 2013.**

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

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

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

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

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

45 **“(d) The Deputy Attorney General.**



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

3 “(f) The Chancellor and Vice Chancellors of the Oregon University System and the president  
4 and vice presidents, or their administrative equivalents, in each public university listed in ORS  
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17 “(K) Director of the Department of Consumer and Business Services.

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

19 “(M) State Librarian.

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

21 “(O) Superintendent of State Police.

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

23 “(Q) Director of Department of Revenue.

24 “(R) Director of Transportation.

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27 “(U) Executive director of Oregon Government Ethics Commission.

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39 “(GG) State Court Administrator.

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13 principal administrator of the city or county.
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- 15 “(m) Every member of a governing body of a metropolitan service district and the executive of-  
16 ficer thereof.
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19 school district, education service district and community college district.
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- 43 “(W) Water Resources Commission.
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4 “(CC) Oregon Health and Science University Board of Directors.  
5 “(DD) Capitol Planning Commission.  
6 “(EE) Higher Education Coordinating Commission.  
7 “[*FF*] *Oregon Growth Board.*]  
8 “(q) The following officers of the State Treasurer:  
9 “(A) Deputy State Treasurer.  
10 “(B) Chief of staff for the office of the State Treasurer.  
11 “(C) Director of the Investment Division.  
12 “(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
13 or 777.915 to 777.953.  
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15 441.595.  
16 “(2) By April 15 next after the date an appointment takes effect, every appointed public official  
17 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-  
18 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070  
19 and 244.090.  
20 “(3) By April 15 next after the filing deadline for the primary election, each candidate described  
21 in subsection (1) of this section shall file with the commission a statement of economic interest as  
22 required under ORS 244.060, 244.070 and 244.090.  
23 “(4) Within 30 days after the filing deadline for the general election, each candidate described  
24 in subsection (1) of this section who was not a candidate in the preceding primary election, or who  
25 was nominated for public office described in subsection (1) of this section at the preceding primary  
26 election by write-in votes, shall file with the commission a statement of economic interest as re-  
27 quired under ORS 244.060, 244.070 and 244.090.  
28 “(5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
29 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
30 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
31 filing deadline for the statewide general election.  
32 “(6) If a statement required to be filed under this section has not been received by the com-  
33 mission within five days after the date the statement is due, the commission shall notify the public  
34 official or candidate and give the public official or candidate not less than 15 days to comply with  
35 the requirements of this section. If the public official or candidate fails to comply by the date set  
36 by the commission, the commission may impose a civil penalty as provided in ORS 244.350.  
37 “**SECTION 30.** ORS 192.502, as amended by section 19 of this 2012 Act, is amended to read:  
38 “192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:  
39 “(1) Communications within a public body or between public bodies of an advisory nature to the  
40 extent that they cover other than purely factual materials and are preliminary to any final agency  
41 determination of policy or action. This exemption shall not apply unless the public body shows that  
42 in the particular instance the public interest in encouraging frank communication between officials  
43 and employees of public bodies clearly outweighs the public interest in disclosure.  
44 “(2) Information of a personal nature such as but not limited to that kept in a personal, medical  
45 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the

1 public interest by clear and convincing evidence requires disclosure in the particular instance. The  
2 party seeking disclosure shall have the burden of showing that public disclosure would not consti-  
3 tute an unreasonable invasion of privacy.

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

7 “(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or  
8 volunteers who are elected officials, except that a judge or district attorney subject to election may  
9 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the  
10 terms of ORS 192.445;

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

14 “(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a  
15 professional education association of which the substitute teacher may be a member; and

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

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

21 “(5) Information or records of the Department of Corrections, including the State Board of  
22 Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabili-  
23 tation of a person in custody of the department or substantially prejudice or prevent the carrying  
24 out of the functions of the department, if the public interest in confidentiality clearly outweighs the  
25 public interest in disclosure.

26 “(6) Records, reports and other information received or compiled by the Director of the De-  
27 partment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not  
28 otherwise required by law to be made public, to the extent that the interests of lending institutions,  
29 their officers, employees and customers in preserving the confidentiality of such information out-  
30 weighs the public interest in disclosure.

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

32 “(8) Any public records or information the disclosure of which is prohibited by federal law or  
33 regulations.

34 “(9)(a) Public records or information the disclosure of which is prohibited or restricted or oth-  
35 erwise made confidential or privileged under Oregon law.

36 “(b) Subject to ORS 192.423, paragraph (a) of this subsection does not apply to factual informa-  
37 tion compiled in a public record when:

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

39 “(B) The factual information is not prohibited from disclosure under any applicable state or  
40 federal law, regulation or court order and is not otherwise exempt from disclosure under ORS  
41 192.410 to 192.505;

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

45 “(D) The factual information was not compiled in preparation for litigation, arbitration or an

1 administrative proceeding that was reasonably likely to be initiated or that has been initiated by  
2 or against the public body; and

3 “(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement  
4 characterizing or partially disclosing the factual information compiled by or at the attorney’s di-  
5 rection.

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

10 “(11) Records of the Energy Facility Siting Council concerning the review or approval of secu-  
11 rity programs pursuant to ORS 469.530.

12 “(12) Employee and retiree address, telephone number and other nonfinancial membership re-  
13 cords and employee financial records maintained by the Public Employees Retirement System pur-  
14 suant to ORS chapters 238 and 238A.

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

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

20 “(A) Information in investment records solely related to the amount paid directly into an in-  
21 vestment by, or returned from the investment directly to, the treasurer or council; or

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

24 “(b) An investment in a publicly traded investment is no longer active when acquisition, ex-  
25 change or liquidation of the investment has been concluded.

26 “(14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council[, *the*  
27 *Oregon Growth Board*] or the agents of the treasurer, council or board relating to actual or pro-  
28 posed investments under ORS chapter 293 or 348 in a privately placed investment fund or a private  
29 asset including but not limited to records regarding the solicitation, acquisition, deployment, ex-  
30 change or liquidation of the investments including but not limited to:

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

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

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

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

39 “(E) Capital call and distribution notices of an investment fund, an asset ownership or their  
40 respective investment vehicles.

41 “(F) Investment agreements and related documents.

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

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

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

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

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

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

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

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

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

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

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

20 “(16) Reports of unclaimed property filed by the holders of such property to the extent permitted  
21 by ORS 98.352.

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

28 “(A) Personal financial statements.

29 “(B) Financial statements of applicants.

30 “(C) Customer lists.

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

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

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

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

41 “(A) Personal financial statements.

42 “(B) Financial statements of applicants.

43 “(C) Customer lists.

44 “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
45 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such

1 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
2 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
3 ery or deposition statutes to a party to litigation or potential litigation.

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

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

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

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

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

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

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

23 “(20) Workers’ compensation claim records of the Department of Consumer and Business Ser-  
24 vices, except in accordance with rules adopted by the Director of the Department of Consumer and  
25 Business Services, in any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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



1 “(31) Documents, materials or other information submitted to the Director of the Department  
2 of Consumer and Business Services in confidence by a state, federal, foreign or international regu-  
3 latory or law enforcement agency or by the National Association of Insurance Commissioners, its  
4 affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842,  
5 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the  
6 Insurance Code when:

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

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

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

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

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

15 “(A) Electricity;

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

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

18 “(D) Petroleum products;

19 “(E) Sewage; or

20 “(F) Water.

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

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

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

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

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

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

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

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

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

42 “(37) Except as authorized by ORS 408.425, records that certify or verify an individual’s dis-  
43 charge or other separation from military service.

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

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

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

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

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

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

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

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

16 “[*e*] (d) A member of the Engineering and Technology Industry Council, appointed by the En-  
17 gineering and Technology Industry Council.

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

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

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

21 “[*i*] (h) 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,  
34 not-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

1 by 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  
8 compensation 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 Fund, the Oregon Growth Board,*] the Oregon Commercialized Research Fund, the Oregon  
28 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 Fund*  
34 *established under section 7 of this 2012 Act as part of the information provided under this section on*  
35 *the Education Stability Fund.*]  
36

37 **“ABOLISHMENT OF OREGON GROWTH BOARD**

38  
39 “**SECTION 34. On the operative date specified in section 35 of this 2012 Act:**

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

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

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

45 “**SECTION 36. If section 26 of this 2012 Act is not repealed by section 27 of this 2012 Act,**

1 **sections 34 (repealing sections 1, 2 and 3 of this 2012 Act) and 35 of this 2012 Act are repealed**  
2 **on January 1, 2014.”.**

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

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

5 \_\_\_\_\_