

**PROPOSED AMENDMENTS TO
HOUSE BILL 2323**

1 On page 1 of the printed bill, line 2, after “Board;” insert “creating new
2 provisions; amending ORS 192.502, 244.050, 284.706, 293.731, 293.761 and
3 348.702 and sections 2, 5 and 26, chapter 90, Oregon Laws 2012; repealing
4 sections 27, 28, 34, 35 and 36, chapter 90, Oregon Laws 2012;”.

5 Delete lines 4 through 31 and delete page 2 and insert:

6 **“SECTION 1.** Section 26, chapter 90, Oregon Laws 2012, is amended to
7 read:

8 **“Sec. 26.** Sections 5, 6, 7 and 12 to 18, **chapter 90, Oregon Laws 2012**
9 *[of this 2012 Act]*, the amendments to ORS *[192.502,]* 284.701, *[284.706,*
10 *293.731,]* 293.733*],* 293.761*],* **and** 293.796 *[and 348.702]* by sections **20, 23 and**
11 **25, chapter 90, Oregon Laws 2012,** *[7a and 19 to 25 of this 2012 Act]* and
12 the repeal of ORS 348.701, 348.703, 348.704, 348.706, 348.707 and 348.710 by
13 section 10, **chapter 90, Oregon Laws 2012,** *[of this 2012 Act]* become oper-
14 ative on January [2] 1, 2014.

15 **“SECTION 2.** Section 2, chapter 90, Oregon Laws 2012, is amended to
16 read:

17 **“Sec. 2.** It is the intent of the Legislative Assembly, in enacting sections
18 1 to 7, **chapter 90, Oregon Laws 2012** *[of this 2012 Act]*, to encourage in-
19 vestment in and availability of capital to businesses in this state, **including**
20 **but not limited to traded sector businesses, businesses in the initial**
21 **and follow-up phases of development and businesses in the rural re-**
22 **gions of this state,** and to increase resources available to local governments

1 and state agencies that create, facilitate, maintain and promote financial
2 services and support and to other efforts that further economic development
3 in Oregon.

4 **“SECTION 3.** Section 5, chapter 90, Oregon Laws 2012, is amended to
5 read:

6 **“Sec. 5.** The Oregon Growth Board has the following duties, functions
7 and powers:

8 “(1) To maintain, invest and reinvest moneys in the Oregon Growth Fund
9 established under section 7, **chapter 90, Oregon Laws 2012**, [*of this 2012*
10 *Act*] consistent with the policies and procedures established by the board and
11 the investment standard stated in ORS 293.726, including but not limited to
12 the creation and maintenance of one or more investment funds within the
13 Oregon Growth Fund. In exercising its authority under this subsection, the
14 board may include economic factors, including but not limited to job re-
15 tention and creation, as considerations in making investment decisions.

16 “(2) To maintain, invest and reinvest moneys in the Oregon Growth Ac-
17 count established under ORS 348.702 consistent with the policies and proce-
18 dures established by the board and the investment standard stated in ORS
19 293.726 and for the purpose of earning returns for the Education Stability
20 Fund. Policies established by the board under this subsection shall include,
21 but are not limited to, the determination of when and how earnings are
22 calculated and declared available from the account on behalf of the Educa-
23 tion Stability Fund.

24 “(3) To make and enter into contracts, agreements or arrangements for
25 the investment and management of moneys in the Oregon Growth Account
26 and the Oregon Growth Fund as provided in section 6, **chapter 90, Oregon**
27 **Laws 2012**, [*of this 2012 Act*] and for other services the board deems rea-
28 sonable and necessary to fulfill the duties of the board under this section.

29 “(4)(a) With respect to the Oregon Growth Account, to make, purchase,
30 guarantee or hold loans, including but not limited to participation interests

1 in loans, made to or from the Oregon Growth Account for the purpose of
2 earning returns for the Education Stability Fund.

3 “(b) With respect to the Oregon Growth Fund, to make, purchase, guar-
4 antee or hold grants and loans, including but not limited to competitive
5 grants and participation interests in loans, made to or from the Oregon
6 Growth Fund for the benefit of qualified businesses for the purpose of fur-
7 thering economic development.

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

11 “(6) To collaborate, cooperate and enter into agreements with local gov-
12 ernments, state agencies, financial institutions and other entities as appro-
13 priate to:

14 “(a) Provide financial services and support to businesses for the purpose
15 of furthering economic development;

16 “(b) Coordinate actions, responsibilities and resources that further eco-
17 nomic development; and

18 “(c) Delegate between the board and a local government or state agency
19 any duties, functions or powers that the board, local government or state
20 agency is authorized to perform if consistent with and necessary to the ad-
21 ministration of sections 1 to 7, **chapter 90, Oregon Laws 2012** [*of this 2012*
22 *Act*]. Delegation of duties, functions or powers under this paragraph must
23 be done pursuant to written agreement.

24 “(7) To seek, solicit, obtain and accept local, state, federal and private
25 resources and donations for deposit into the Oregon Growth Account and the
26 Oregon Growth Fund to aid in the administration of sections 1 to 7, **chapter**
27 **90, Oregon Laws 2012** [*of this 2012 Act*].

28 “(8) To adopt rules that [*specify*]:

29 “(a) **Specify** the board’s permissible investments[,] and **the** activities and
30 services that the board may provide or engage in;

1 “(b) **Create** guidelines regarding the amount and type of leverage to
2 maximize investments and any other resources available to, and subject to
3 the authority of, the board; *[and]*

4 “(c) **Provide a means to evaluate the performance of investments,**
5 **including, but not limited to, the number of businesses assisted, the**
6 **types and amount of resources leveraged and returns on investment,**
7 **and to evaluate impact on jobs and wages in this state; and**

8 “[*(c)*] **(d) Establish** other requirements that the board considers necessary
9 for the exercise of the board’s duties, functions and powers under sections
10 1 to 7, **chapter 90, Oregon Laws 2012** *[of this 2012 Act]*.

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

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

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

16 “(c) Incentives for private sector investment that further investment,
17 capital availability, job creation and economic development;

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

20 “(e) Legislation needed to further economic development.

21 “**(10) To report annually to standing and interim committees of the**
22 **Legislative Assembly related to business and economic development**
23 **regarding implementation and administration of the Oregon Growth**
24 **board and investments made by the board pursuant to this section.**

25 “**SECTION 4. Sections 27, 28, 34, 35 and 36, chapter 90, Oregon Laws**
26 **2012, are repealed.**

27 “**SECTION 5.** ORS 192.502, as amended by section 26, chapter 45, Oregon
28 Laws 2012, and sections 19 and 30, chapter 90, Oregon Laws 2012, is amended
29 to read:

30 “192.502. The following public records are exempt from disclosure under

1 ORS 192.410 to 192.505:

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

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

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

19 “(a) Does not apply to the addresses, dates of birth and telephone numbers
20 of employees or volunteers who are elected officials, except that a judge or
21 district attorney subject to election may seek to exempt the judge’s or dis-
22 trict attorney’s address or telephone number, or both, under the terms of
23 ORS 192.445;

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

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

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

1 243.782.

2 “(4) Information submitted to a public body in confidence and not other-
3 wise required by law to be submitted, where such information should rea-
4 sonably be considered confidential, the public body has obliged itself in good
5 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
8 the State Board of Parole and Post-Prison Supervision, to the extent that
9 disclosure would interfere with the rehabilitation of a person in custody of
10 the department or substantially prejudice or prevent the carrying out of the
11 functions of the department, if the public interest in confidentiality clearly
12 outweighs the public interest in disclosure.

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

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

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

22 “(9)(a) Public records or information the disclosure of which is prohibited
23 or restricted or otherwise made confidential or privileged under Oregon law.

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

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

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

30 “(C) The factual information was compiled by or at the direction of an

1 attorney as part of an investigation on behalf of the public body in response
2 to information of possible wrongdoing by the public body;

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

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

10 “(10) Public records or information described in this section, furnished
11 by the public body originally compiling, preparing or receiving them to any
12 other public officer or public body in connection with performance of the
13 duties of the recipient, if the considerations originally giving rise to the
14 confidential or exempt nature of the public records or information remain
15 applicable.

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

18 “(12) Employee and retiree address, telephone number and other nonfi-
19 nancial membership records and employee financial records maintained by
20 the Public Employees Retirement System pursuant to ORS chapters 238 and
21 238A.

22 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-
23 ment Council or the agents of the treasurer or the council relating to active
24 or proposed publicly traded investments under ORS chapter 293, including
25 but not limited to records regarding the acquisition, exchange or liquidation
26 of the investments. For the purposes of this subsection:

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

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

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

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

6 “(14)(a) Records of or submitted to the State Treasurer, the Oregon In-
7 vestment Council, the Oregon Growth [*Account*] Board or the agents of the
8 treasurer, council or board relating to actual or proposed investments under
9 ORS chapter 293 or 348 in a privately placed investment fund or a private
10 asset including but not limited to records regarding the solicitation, acqui-
11 sition, deployment, exchange or liquidation of the investments including but
12 not limited to:

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

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

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

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

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

24 “(F) Investment agreements and related documents.

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

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

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

30 “(C) The dollar amount of cash contributions made to each privately

1 placed investment fund since inception of the fund.

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

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

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

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

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

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

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

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

24 “(17)(a) The following records, communications and information submitted
25 to the Oregon Business Development Commission, the Oregon Business De-
26 velopment Department, the State Department of Agriculture, the Oregon
27 Growth [Account] Board, the Port of Portland or other ports as defined in
28 ORS 777.005, or a county or city governing body and any board, department,
29 commission, council or agency thereof, by applicants for investment funds,
30 grants, loans, services or economic development moneys, support or assist-

1 ance including, but not limited to, those described in ORS 285A.224:

2 “(A) Personal financial statements.

3 “(B) Financial statements of applicants.

4 “(C) Customer lists.

5 “(D) Information of an applicant pertaining to litigation to which the
6 applicant is a party if the complaint has been filed, or if the complaint has
7 not been filed, if the applicant shows that such litigation is reasonably likely
8 to occur; this exemption does not apply to litigation which has been con-
9 cluded, and nothing in this subparagraph shall limit any right or opportunity
10 granted by discovery or deposition statutes to a party to litigation or po-
11 tential litigation.

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

13 “(F) Marketing strategy information that relates to applicant’s plan to
14 address specific markets and applicant’s strategy regarding specific compet-
15 itors.

16 “(b) The following records, communications and information submitted to
17 the State Department of Energy by applicants for tax credits or for grants
18 awarded under ORS 469B.256:

19 “(A) Personal financial statements.

20 “(B) Financial statements of applicants.

21 “(C) Customer lists.

22 “(D) Information of an applicant pertaining to litigation to which the
23 applicant is a party if the complaint has been filed, or if the complaint has
24 not been filed, if the applicant shows that such litigation is reasonably likely
25 to occur; this exemption does not apply to litigation which has been con-
26 cluded, and nothing in this subparagraph shall limit any right or opportunity
27 granted by discovery or deposition statutes to a party to litigation or po-
28 tential litigation.

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

30 “(F) Marketing strategy information that relates to applicant’s plan to

1 address specific markets and applicant's strategy regarding specific compet-
2 itors.

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

15 “(a) The identity of the individual concern or enterprise that is delinquent
16 over 60 days in the 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
20 purpose of requesting appointed counsel, and all information supplied to the
21 court from whatever source for the purpose of verifying the financial eligi-
22 bility of a person pursuant to ORS 151.485.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 “(b) Credit reports.

24 “(c) Project appraisals.

25 “(d) Market studies and analyses.

26 “(e) Articles of incorporation, partnership agreements and operating
27 agreements.

28 “(f) Commitment letters.

29 “(g) Project pro forma statements.

30 “(h) Project cost certifications and cost data.

1 “(i) Audits.

2 “(j) Project tenant correspondence.

3 “(k) Personal information about a tenant.

4 “(L) Housing assistance payments.

5 “(25) Raster geographic information system (GIS) digital databases, pro-
6 vided by private forestland owners or their representatives, voluntarily and
7 in confidence to the State Forestry Department, that is not otherwise re-
8 quired by law to be submitted.

9 “(26) Sensitive business, commercial or financial information furnished to
10 or developed by a public body engaged in the business of providing electricity
11 or electricity services, if the information is directly related to a transaction
12 described in ORS 261.348, or if the information is directly related to a bid,
13 proposal or negotiations for the sale or purchase of electricity or electricity
14 services, and disclosure of the information would cause a competitive disad-
15 vantage for the public body or its retail electricity customers. This sub-
16 section does not apply to cost-of-service studies used in the development or
17 review of generally applicable rate schedules.

18 “(27) Sensitive business, commercial or financial information furnished to
19 or developed by the City of Klamath Falls, acting solely in connection with
20 the ownership and operation of the Klamath Cogeneration Project, if the
21 information is directly related to a transaction described in ORS 225.085 and
22 disclosure of the information would cause a competitive disadvantage for the
23 Klamath Cogeneration Project. This subsection does not apply to cost-of-
24 service studies used in the development or review of generally applicable rate
25 schedules.

26 “(28) Personally identifiable information about customers of a municipal
27 electric utility or a people’s utility district or the names, dates of birth,
28 driver license numbers, telephone numbers, electronic mail addresses or So-
29 cial Security numbers of customers who receive water, sewer or storm drain
30 services from a public body as defined in ORS 174.109. The utility or district

1 may release personally identifiable information about a customer, and a
2 public body providing water, sewer or storm drain services may release the
3 name, date of birth, driver license number, telephone number, electronic mail
4 address or Social Security number of a customer, if the customer consents
5 in writing or electronically, if the disclosure is necessary for the utility,
6 district or other public body to render services to the customer, if the dis-
7 closure is required pursuant to a court order or if the disclosure is otherwise
8 required by federal or state law. The utility, district or other public body
9 may charge as appropriate for the costs of providing such information. The
10 utility, district or other public body may make customer records available
11 to third party credit agencies on a regular basis in connection with the es-
12 tablishment and management of customer accounts or in the event such ac-
13 counts are delinquent.

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

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

20 “(31) Documents, materials or other information submitted to the Director
21 of the Department of Consumer and Business Services in confidence by a
22 state, federal, foreign or international regulatory or law enforcement agency
23 or by the National Association of Insurance Commissioners, its affiliates or
24 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
25 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
26 725 or 726, the Bank Act or the Insurance Code when:

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

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

3 “(32) A county elections security plan developed and filed under ORS
4 254.074.

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

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

8 “(A) Electricity;

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

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

11 “(D) Petroleum products;

12 “(E) Sewage; or

13 “(F) Water.

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

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

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

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

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

1 experience and dividend payment history.

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

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

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

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

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

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

24 “**SECTION 6.** ORS 244.050, as amended by sections 9 and 29, chapter 90,
25 Oregon Laws 2012, is amended to read:

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

29 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,
30 Commissioner of the Bureau of Labor and Industries, district attorneys and

1 members of the Legislative Assembly.

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

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

7 “(d) The Deputy Attorney General.

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

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

14 “(g) The following state officers:

15 “(A) Adjutant General.

16 “(B) Director of Agriculture.

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

18 “(D) Water Resources Director.

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

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

21 “(G) State Fish and Wildlife Director.

22 “(H) State Forester.

23 “(I) State Geologist.

24 “(J) Director of Human Services.

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

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

27 “(M) State Librarian.

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

29 “(O) Superintendent of State Police.

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

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

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

- 1 “(L) Oregon Liquor Control Commission.
- 2 “(M) Oregon Short Term Fund Board.
- 3 “(N) State Marine Board.
- 4 “(O) Mass transit district boards.
- 5 “(P) Energy Facility Siting Council.
- 6 “(Q) Board of Commissioners of the Port of Portland.
- 7 “(R) Employment Relations Board.
- 8 “(S) Public Employees Retirement Board.
- 9 “(T) Oregon Racing Commission.
- 10 “(U) Oregon Transportation Commission.
- 11 “(V) Wage and Hour Commission.
- 12 “(W) Water Resources Commission.
- 13 “(X) Workers’ Compensation Board.
- 14 “(Y) Oregon Facilities Authority.
- 15 “(Z) Oregon State Lottery Commission.
- 16 “(AA) Pacific Northwest Electric Power and Conservation Planning
17 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
28 ORS 777.005 to 777.725 or 777.915 to 777.953.
- 29 “(s) Every member of the board of directors of an authority created under
30 ORS 441.525 to 441.595.

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

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

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

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

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

28 “**SECTION 7.** ORS 284.706, as amended by sections 21 and 31, chapter 90,
29 Oregon Laws 2012, is amended to read:

30 “284.706. (1) There is created the Oregon Innovation Council consisting

1 of the following voting members:

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

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

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

9 “(d) A member of the Oregon Growth [*Account*] Board, appointed by the
10 board[, *who has experience in the field of venture capital*].

11 “(e) A member of the Engineering and Technology Industry Council, ap-
12 pointed by the Engineering and Technology Industry Council.

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

14 “(g) The Chancellor of the Oregon University System.

15 “(h) The Commissioner for Community College Services.

16 “(i) The State Treasurer.

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

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

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

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

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

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

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

29 “(d) An executive officer of an association representing Oregon-based,
30 generally accredited, not-for-profit private institutions of higher education,

1 appointed by the Governor.

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

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

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

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

18 “(8) The council may adopt rules necessary for the operation of the
19 council.

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

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

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

27 “(12) Members of the council who are not members of the Legislative
28 Assembly are entitled to compensation and expenses incurred by them in the
29 performance of their official duties in the manner and amounts provided for
30 in ORS 292.495. Claims for compensation and expenses of members of the

1 council who are public officers shall be paid out of funds appropriated to the
2 public agency that employs the member. Claims for compensation and ex-
3 penses of members of the council who are not public officers shall be paid
4 out of funds appropriated to the Oregon Business Development Department
5 for that purpose.

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

11 “**SECTION 8.** ORS 293.731, as amended by sections 22 and 32, chapter 90,
12 Oregon Laws 2012, is amended to read:

13 “293.731. Subject to the objective set forth in ORS 293.721 and the stan-
14 dards set forth in ORS 293.726, the Oregon Investment Council shall formu-
15 late policies for the investment and reinvestment of moneys in the
16 investment funds and the acquisition, retention, management and disposition
17 of investments of the investment funds. The council, from time to time, shall
18 review those policies and make changes therein as it considers necessary or
19 desirable. The council may formulate separate policies for any fund included
20 in the investment funds. This section does not apply to the Oregon Growth
21 Account, **the Oregon Growth Fund**, the Oregon Growth [Account] Board,
22 the Oregon Commercialized Research Fund, the Oregon Innovation Fund or
23 the Oregon Innovation Council.

24 “**SECTION 9.** ORS 293.761, as amended by sections 24 and 33, chapter 90,
25 Oregon Laws 2012, is amended to read:

26 “293.761. (1) The investment officer shall follow generally accepted ac-
27 counting practices and provide to the officer or body having control and
28 administration of any investment funds any information necessary for fi-
29 nancial reporting required by law.

30 “(2) The investment officer shall separately identify investments held in

1 the Oregon Growth Account established in ORS 348.702 [*and the Oregon Re-*
2 *source and Technology Development Subaccount established in ORS 348.706*]
3 as part of the information provided under this section on the Education
4 Stability Fund.

5 **“SECTION 10.** ORS 348.702, as amended by section 2, chapter 805, Oregon
6 Laws 2009, and sections 7a and 33a, chapter 90, Oregon Laws 2012, is
7 amended to read:

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

19 “(2) The Oregon Department of Administrative Services may credit to the
20 Oregon Growth Account from the first funds transferred in a fiscal year to
21 the Education Stability Fund under [*section 4,*] Article XV, **section 4**, of the
22 Oregon Constitution, an amount up to the amount the department estimates
23 to be 10 percent of the funds required to be transferred to the Education
24 Stability Fund for that fiscal year.

25 “(3) If at the end of the fiscal year the amount credited to the Oregon
26 Growth Account under subsection (2) of this section is less than or greater
27 than 10 percent of the amount required to be transferred under [*section 4,*]
28 Article XV, **section 4**, of the Oregon Constitution, to the Education Stability
29 Fund, the amount credited to the Oregon Growth Account shall be adjusted
30 in one of the following ways:

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

3 “(b) Any excess may be transferred from the Oregon Growth Account to
4 the Education Stability Fund; or

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

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

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

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

15 **“(7) The Oregon Growth Board may use moneys in the Oregon**
16 **Growth Account to pay the administrative costs associated with the**
17 **account and with administering those portions of sections 1 to 7,**
18 **chapter 90, Oregon Laws 2012, that pertain to the account.**

19 **“SECTION 11. The amendments to ORS 192.502, 284.706, 293.731,**
20 **293.761 and 348.702 by sections 5 and 7 to 10 of this 2013 Act become**
21 **operative on the 91st day after the date on which the 2013 regular**
22 **session of the Seventy-seventh Legislative Assembly adjourns sine die.**

23 **“SECTION 12. This 2013 Act being necessary for the immediate**
24 **preservation of the public peace, health and safety, an emergency is**
25 **declared to exist, and this 2013 Act takes effect on its passage.”.**

26
