

Enrolled House Bill 2280

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Transportation and Economic Development)

CHAPTER

AN ACT

Relating to the Oregon Growth Board; amending ORS 284.883, 284.890 and 348.702; and declaring an emergency.

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

SECTION 1. ORS 284.883 is amended to read:

284.883. (1) The Oregon Growth Board is established to formulate and implement policies and procedures to administer ORS 284.881 to 284.890, and to make recommendations for the investment, reinvestment, management and coordination of funds in the Oregon Growth Account established under ORS 348.702 and the Oregon Growth Fund established under ORS 284.890.

(2) The board shall consist of *[seven]* **nine** voting members and one to three nonvoting members as follows:

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

(b) The Director of the Oregon Business Development Department, or the director's designee, shall be an ex officio nonvoting member of the board.

[(b)] **(c)** The Governor shall appoint *[six]* **eight** voting members, subject to Senate confirmation under ORS 171.562 and 171.565 and the following:

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

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

(C) *[Four]* **Six** members shall be appointed as follows:

(i) One member with experience in banking;

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

(iii) One member with experience managing investments; *[and]*

(iv) One member with experience as a small business employer in this state~~[,]~~; **and**

(v) Two at-large members.

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

(d) Two members of the Legislative Assembly that belong to different political parties as determined by the appropriate entry on official election registration cards, who are appointed by agreement of the President of the Senate, the Minority Leader of the Senate, the Speaker of the House

of Representatives and the Minority Leader of the House of Representatives, shall serve as non-voting members of the board. If an agreement cannot be reached on both members of the Legislative Assembly to serve on the board, no appointment shall be made under this paragraph.

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

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

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

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

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

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

(7) The Oregon Business Development Department shall provide staff to the board as necessary to allow the board to carry out its responsibilities under ORS 284.881 to 284.890.

SECTION 2. ORS 284.890 is amended to read:

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

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

(a) Amounts donated to the fund;

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

(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

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

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

(3) Moneys in the fund are continuously appropriated to the [*Oregon Growth Board*] **Oregon Business Development Department for the use of the Oregon Growth Board** for the [*purpose of*] **purposes set forth in** ORS 284.881 to 284.890.

(4) The [*board*] **department** may establish accounts and subaccounts within the fund when the [*board*] **department** determines that accounts or subaccounts are necessary or desirable and may credit any interest or income derived from moneys in the fund to any account or subaccount in the fund.

(5) The [*board*] **department** may use moneys in the fund to pay the administrative costs associated with the fund and with administering ORS 284.881 to 284.890.

SECTION 3. ORS 348.702 is amended to read:

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

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

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

- (a) The amount credited to the account in the following fiscal year may be adjusted;
- (b) Any excess may be transferred from the Oregon Growth Account to the Education Stability Fund; or
- (c) Any shortage may be transferred from the Education Stability Fund to the Oregon Growth Account from funds available for that purpose.

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

(5) The purpose of the Oregon Growth Account is to earn returns for the Education Stability Fund.

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

(7) The **Oregon Business Development Department, on behalf of the Oregon Growth Board**, may use moneys in the Oregon Growth Account to pay the administrative costs associated with the account and with administering those portions of ORS 284.881 to 284.890 that pertain to the account.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House July 3, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 6, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State