

# TITLE 26A

## ECONOMIC DEVELOPMENT

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### Chapter 284

2011 EDITION

#### Organizations for Economic Development

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**284.010** [1987 c.115 §2; 1991 c.11 §6; 1991 c.705 §1; renumbered 285.630 in 1991]

**284.015** [1987 c.115 §3; 1991 c.705 §2; renumbered 285.633 in 1991]

**284.020** [1987 c.115 §4; 1991 c.705 §3; 1991 c.878 §4; renumbered 285.635 in 1991]

**284.025** [1987 c.115 §5; 1991 c.705 §4; renumbered 285.637 in 1991]

**284.030** [1987 c.115 §6; 1989 c.547 §3; 1991 c.705 §5; renumbered 285.640 in 1991]

**284.035** [1987 c.115 §7; 1991 c.705 §6; renumbered 285.643 in 1991]

**284.040** [1987 c.115 §8; 1991 c.705 §7; renumbered 285.645 in 1991]

**284.045** [1987 c.115 §9; renumbered 285.647 in 1991]

**284.050** [1987 c.506 §24; 1989 c.966 §16; 1991 c.705 §8; renumbered 285.650 in 1991]

**284.055** [1987 c.506 §25; 1989 c.638 §§1,2; 1989 c.966 §17; 1991 c.461 §93; 1991 c.878 §5; renumbered 285.653 in 1991]

**284.060** [1987 c.115 §1; renumbered 285.655 in 1991]

**284.075** [1987 c.677 §2; renumbered 285.263 in 1991]

**284.080** [1987 c.677 §3; renumbered 285.265 in 1991]

**284.085** [1987 c.677 §§4,7; 1989 c.908 §59; renumbered 285.267 in 1991]

**284.090** [1987 c.677 §5; renumbered 285.270 in 1991]

**284.095** [1987 c.677 §8; renumbered 285.273 in 1991]

**284.100** [1987 c.677 §1; renumbered 285.275 in 1991]

## OREGON TOURISM COMMISSION

**284.101 Definitions for ORS 284.101 to 284.146.** As used in ORS 284.101 to 284.146, unless the context requires otherwise:

(1) "Commission" means the Oregon Tourism Commission.

(2) "Executive director" means the executive director of the Oregon Tourism Commission. [Formerly 285A.255]

**284.104 Legislative findings.** The Legislative Assembly finds and declares that:

(1) Travel and recreation industries are important to the State of Oregon as a whole, and the health of these industries affects the well-being of all Oregonians.

(2) Tourist facilities and attractions serve the recreational and cultural needs of both visitors and residents.

(3) It is in the public interest to encourage the orderly growth and development of nonpolluting, labor-intensive industries such as tourism within the state.

(4) The travel and recreation industries have become increasingly important to the economic growth of the state and will become more important in the future because of increased leisure time and declining employment opportunities in other traditional Oregon industries.

(5) State involvement in tourism, recreational and cultural activities needs to be better coordinated to respond effectively to state interests and, where appropriate, to

meet the needs of local governments and the private sector.

(6) There is a need to encourage communication, partnership and cooperation between the public and private sectors of the industry to promote orderly growth and implementation of statewide objectives.

(7) It is desirable that there be an agency in state government to act in matters pertaining to public relations.

(8) It is in the public interest to promote quality, integrity and reliability in all tourism and tourism related services and in information offered to visitors to the State of Oregon.

(9) Oregonians want to preserve the historical and cultural foundations of the state as a living part of community life and development and to insure future generations and visitors the opportunity to appreciate and enjoy the rich heritage of Oregon.

(10) Planning and promotion of tourism and recreation should be compatible with other state interests in energy development and conservation, environmental protection, transportation and the judicious use of natural resources.

(11) It is in the best interest of the nation and the tourism and recreation industries to proceed in an orderly fashion toward the development of a promotional program for advancing and enhancing tourism in the state. [Formerly 285A.258]

**284.107 Oregon Tourism Commission; qualifications; confirmation; term; compensation and expenses; officers; quorum.**

(1) There is established an Oregon Tourism Commission consisting of nine members appointed by the Governor. Members of the commission are appointed to perform the duties of the commission as provided by law. Members are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

(2) In appointing members of the commission under subsection (1) of this section, the Governor shall:

(a) Appoint members representing the state's various regions and areas of tourism activity.

(b) Appoint three members drawn from travel agencies, tour operators, private transportation, restaurants or businesses or organizations engaged in tourism promotion for cities or counties, cultural attractions, historic attractions, ski facilities or related recreational industries. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, the Tourism Industry Council of Oregon may recommend to the Governor one or more tourism indus-

try representatives for the Governor's consideration in filling the vacancy.

(c) Appoint at least one member to represent the public at large.

(d) Appoint five members drawn from the lodging industry. For purposes of this paragraph, the lodging industry consists of hotels, motels, resorts, bed and breakfast facilities, inns, recreational vehicle parks, campgrounds and guest ranches. At least 30 days prior to the expiration of the term of a member appointed under this paragraph, a statewide organization representing the lodging industry may recommend to the Governor one or more lodging industry representatives for the Governor's consideration in filling the vacancy.

(3) A member of the commission shall be appointed for a term of four years that begins on July 1. A member shall hold office for the term of the appointment and after the end of the term until a successor is appointed and qualified. Before the expiration of the term of a member, the Governor shall strive to appoint a successor. A member is eligible for one reappointment except that a member appointed to fill a vacancy for a partial term may be reappointed to fill a total of two full terms in addition to the partial term. If there is a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

(4) A member of the commission is entitled to compensation and expenses as provided in ORS 292.495.

(5) The commission shall select one of its members to chair the commission and shall select another member to serve as vice chair, for such terms and with duties and powers necessary to perform the functions of the offices as the commission determines.

(6) A majority of the members of the commission constitutes a quorum for the transaction of business.

(7) The Governor may remove a member of the commission for cause as provided in ORS 182.010 or 236.010. [Formerly 285A.261]

**284.110** [1985 c.807 §3; 1987 c.769 §1; repealed by 1989 c.1015 §24]

**284.111 Duties of commission; marketing plan; rules.** The Oregon Tourism Commission shall perform the following duties:

(1) Serve as a body to advise governmental bodies and agencies and private persons on the development and implementation of state policies and programs relating to tourism and recreation and to assist in the coordination of these activities.

(2) Advise the Governor and direct the executive director of the commission on all matters pertaining to tourism.

(3) Prepare, approve and periodically revise and submit to the Governor, the Director of the Oregon Business Development Department and tourism industry associations a recommended comprehensive marketing plan for review by the Governor, the Director of the Oregon Business Development Department and the tourism industry associations. The comprehensive marketing plan shall be directed toward the accomplishment of at least the following purposes:

(a) Maximizing the return on public and private investment in tourism.

(b) Encouraging longer stays by visitors to Oregon.

(c) Reducing seasonal fluctuations in travel and tourist related industries.

(d) Encouraging visitors to be destination oriented in this state by targeting high-yield visitor segments that may include cultural tourism, agri-tourism, nature-based tourism or sports and adventure tourism.

(e) Encouraging visitors from foreign countries to come to Oregon.

(f) Encouraging Oregonians to vacation in Oregon.

(4) Develop a biennial budget for all operations of the commission and submit the budget to the Governor.

(5) Seek and receive the views of all levels of government and the private sector with respect to state programs and policies for the promotion and assistance of tourism.

(6) Prepare and adopt administrative rules necessary for the operation of the programs of the commission.

(7) Cooperate with educational institutions of the state in the development of educational programs preparing persons for supporting and leadership positions critical to the development of an economically strong and socially beneficial tourism industry in Oregon.

(8) Cooperate with and provide expertise for communities and tourism marketing associations in the development and promotion of their tourism attractions and businesses.

(9) Implement the comprehensive marketing plan described in subsection (3) of this section and promote tourism in the State of Oregon. [Formerly 285A.264]

**284.114 Action on marketing plan.** Upon receipt of a comprehensive marketing plan prepared or revised by the Oregon Tourism Commission under ORS 284.111, the Governor, the Director of the Oregon Business Development Department and tourism

industry associations may review the plan. If the Governor, the director or an industry association has any disagreement with the plan or if the Governor, director or an industry association desires anything included in the plan that is not in the plan when submitted, the Governor, director or industry association may submit recommendations for revision by the commission. [Formerly 285A.267]

**284.115** [1989 c.1015 §2; renumbered 285.570 in 1991]

**284.118 Commission exempt from certain financial administration laws; contracts with state agencies for services; personnel policies and contracting and purchasing procedures.** (1) Except as provided in subsection (2) of this section, the provisions of ORS 200.035 and 279.835 to 279.855 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Oregon Tourism Commission. The commission is subject to all other statutes governing a state agency that do not conflict with ORS 284.101 to 284.146, including the tort liability provisions of ORS 30.260 to 30.300 and the provisions of ORS chapter 183. The employees of the commission are included within the Public Employees Retirement System.

(2) Notwithstanding subsection (1) of this section, the following provisions apply to the commission:

(a) ORS 279A.250 to 279A.290;

(b) ORS 292.495; and

(c) ORS 293.235, 293.240, 293.245, 293.250, 293.611, 293.625 and 293.630.

(3) In carrying out the duties, functions and powers of the commission, the commission may contract with any state agency for the performance of duties, functions and powers as the commission considers appropriate. A state agency may not charge the commission an amount that exceeds the actual cost of those services. ORS 284.101 to 284.146 do not require a state agency to provide services to the commission other than pursuant to a voluntary interagency agreement or contract.

(4) The commission shall adopt personnel policies and contracting and purchasing procedures. The Oregon Department of Administrative Services shall review those policies and procedures for compliance with applicable state and federal laws and collective bargaining contracts.

(5) Except as otherwise provided by law, members and employees of the commission are eligible to receive the same benefits as state employees and are entitled to retain their State of Oregon hire dates, transfer rights and job bidding rights, all without loss of seniority, and to the direct transfer of all

accumulated state agency leaves. [Formerly 285A.269]

**284.120** [1985 c.807 §13c; 1987 c.769 §2; repealed by 1989 c.1015 §24]

**284.122 Authority of commission.** To carry out the duties and purposes of the Oregon Tourism Commission, and in addition to other powers granted to the commission under ORS 284.101 to 284.146 or other law, the commission may:

(1) Make contracts and execute all instruments necessary or convenient for carrying out the duties of the commission;

(2) Acquire, own, hold, transfer, encumber or dispose of property of any kind, or any interest in that property;

(3) Enter into agreements or other transactions involving tourism with any federal, state, county or municipal agency or with any person or other entity;

(4) Appoint officers, consultants, agents or advisors, and prescribe their duties;

(5) Appear before boards, commissions, departments or other agencies of municipal or county governments, the state government or the federal government;

(6) Procure insurance against any losses incurred in connection with property of the commission in the amounts and from the insurers as the commission determines is necessary or desirable;

(7) Accept donations, grants, bequests or devises, conditional or otherwise, of money, property, services or other items of value, including any interest or earnings thereon, that may be received from the federal government or any agency of the federal government, any state or municipal government agency, or any institution or person, public or private, to be held, used or applied for any purpose of the commission, in accordance with the terms of the donation, grant, bequest or devise;

(8) Organize, conduct, sponsor, cooperate with or assist the private sector or other state agencies in the conduct of conferences and tours related to Oregon tourism;

(9) Provide and pay for advisory services and technical assistance that may be necessary or desirable to carry out the duties and purposes of the commission;

(10) Exercise any other powers necessary or desirable for the operation and functioning of the commission that is consistent with the purposes of the commission;

(11) Charge for products or services provided and receive revenue from any source to be used for the purposes of the commission;

(12) Enter into agreements and cooperate with political subdivisions of this state, state

agencies, other states, the federal government, governments of foreign countries or private individuals, corporations or other persons in the publication or distribution of information relating to tourism, recreational activities and tourism facilities, or other information or materials of interest or service to the traveling public or relating to developing or promoting tourism in this state; and

(13) Accept or provide travel, lodging, meals, entertainment, meetings and other services from or to public or private entities or persons in order to carry out the duties of the commission. [Formerly 285A.271]

**284.125** [1989 c.1015 §3; renumbered 285.573 in 1991]

**284.126 Budget of commission; financial records and statements.** (1) The Oregon Tourism Commission shall adopt budgets on a biennial basis using classifications of expenditures and revenue required by ORS 291.206 (1). That portion of the budget that is funded by appropriations from the General Fund or by allocations of lottery funds is subject to review and approval by the Legislative Assembly and to future modification by the Emergency Board or the Legislative Assembly. The remainder of the budget is subject to review and recommendation by the Legislative Assembly.

(2) The commission shall adopt or modify a budget only after a public hearing on the budget. At least 15 days prior to a public hearing, the commission shall give notice of the hearing to all persons known to be interested in the proceedings of the commission and to any person who has requested a notice. The commission shall file a copy of the adopted or modified budget with the Legislative Fiscal Officer not later than five business days after the commission adopts or modifies a budget.

(3) The commission shall follow generally accepted accounting principles and keep such financial and statistical information as is necessary to completely and accurately disclose the financial condition and financial operations of the commission as may be required by the Secretary of State.

(4) The commission shall prepare an annual financial statement of commission revenues and expenses and shall make the statement available for public review. The commission shall file a copy of the annual financial statement with the Legislative Fiscal Officer not later than five business days after the statement is prepared or adopted by the commission. [Formerly 285A.272; 2011 c.630 §1]

**284.130** [1985 c.807 §2; repealed by 1989 c.1015 §24]

**284.131 Commission account; disposition of moneys; exemption from expenditure limitations.** (1) All moneys collected, received by or appropriated to the Oregon

Tourism Commission must be deposited into an account established by the commission in a depository bank insured by the Federal Deposit Insurance Corporation. In a manner consistent with the requirements of ORS chapter 295, the chair of the commission shall ensure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the Federal Deposit Insurance Corporation's coverage.

(2) Subject to the approval of the chair, the commission may invest moneys collected or received by the commission. Investments made by the commission must be limited to investments described in ORS 294.035 (3)(a) to (i).

(3) Interest earned on any moneys invested under subsection (2) of this section must be made available to the commission in a manner consistent with the biennial budget of the commission.

(4) The commission shall spend state transient lodging tax moneys appropriated to the commission under ORS 320.335 as follows:

(a) At least 80 percent must be used to fund state tourism marketing programs.

(b) As much as 15 percent must be used to implement a regional cooperative tourism marketing program that:

(A) Requires fund allocations to focus on creating new business from out-of-state and international markets;

(B) Utilizes a regional allocation formula that distributes revenue to regions, the boundaries of which are established by the commission, in proportion to the amount of transient lodging tax revenues collected in each region;

(C) Distributes revenue to recipients that are selected by the commission as organizations able to conduct tourism-related marketing for each region;

(D) Requires advertising, publications, CD-ROMs, websites, videos and other tourism promotion materials funded through the regional cooperative tourism marketing program to carry the Oregon Tourism Commission logo and marketing tag line; and

(E) Encourages funding recipients to incorporate design elements from commission advertising and promotional campaigns, such as fonts, images and other design elements.

(5) All moneys in the account that are not state transient lodging tax revenues are continuously appropriated to the commission for the purposes of carrying out the functions of the commission.

(6) All expenditures from the account are exempt from any state expenditure limitation. [Formerly 285A.274]

**284.134 Financial review by Secretary of State.** The Secretary of State shall enter into agreements with the Oregon Tourism Commission to set an appropriate financial review schedule for the commission. In lieu of conducting a financial review, the Secretary of State may elect to contract for the financial review with, or accept a financial review conducted by, an independent certified public accountant. [Formerly 285A.277]

**284.135** [1989 c.1015 §4; repealed by 1991 c.11 §19]

**284.138 Matching grant program; purposes; amount.** (1) The Oregon Tourism Commission shall administer a biennial matching grants program when the Legislative Assembly appropriates moneys therefor. The purpose of the matching grants program is to help develop and improve the economies of communities throughout Oregon by means of the improvement, expansion and promotion of the visitor industry.

(2) The commission shall establish the maximum grant amount in the applicant guidelines prepared for the matching grants program in each biennium. No more than 50 percent of the total cost of a project may be paid for with moneys from the program. An applicant must show a minimum one-to-one match from private or public sources other than Oregon Business Development Department or commission programs. The applicant must also show a cash match of at least 50 percent of the amount requested under the matching grants program. [Formerly 285A.279]

**284.140** [1985 c.807 §4; repealed by 1989 c.1015 §24]

**284.142 Executive director of commission.** (1) The Oregon Tourism Commission shall appoint an executive director. The appointment shall be subject to the approval of the Governor. The executive director shall serve at the pleasure of the members of the commission.

(2) The commission shall set the compensation of the executive director.

(3) The executive director shall direct all administrative functions of the commission. The executive director may appoint all subordinate officers and employees of the commission and may prescribe their duties and set their compensation.

(4) Except as provided in subsection (5) of this section, the commission may delegate to the executive director any duty, function or power conferred or imposed on the commission and the executive director may delegate to any subordinate officer or employee of the commission any duty, function or power conferred, imposed on or delegated to the executive director.

(5) The commission may not delegate to the executive director the power to:

(a) Approve the comprehensive marketing plan described in ORS 284.111;

(b) Approve the biennial budget required under ORS 284.126; or

(c) Appoint and set the compensation of the executive director. [Formerly 285A.282; 2009 c.11 §32]

**284.145** [1989 c.1015 §5; renumbered 285.575 in 1991]

**284.146 Maintenance of tourist information centers.** The Oregon Tourism Commission shall establish and maintain official tourist information centers near the principal entrance points into the state, and at other locations it considers appropriate, to be used to provide information to the public about public accommodations, transportation, commercial services for the traveling public, campgrounds, parks, recreational areas and points of interest. The commission may contract for the construction, maintenance and operation of such tourist information centers. [Formerly 285A.288]

**284.150** [1985 c.807 §5; 1987 c.769 §3; repealed by 1989 c.1015 §24]

**284.155** [1989 c.1015 §6; renumbered 285.577 in 1991]

**284.160** [1985 c.807 §6; 1987 c.769 §4; repealed by 1989 c.1015 §24]

**284.165** [1989 c.1015 §7; renumbered 285.580 in 1991]

**284.170** [1985 c.807 §7; repealed by 1989 c.1015 §24]

**284.175** [1989 c.1015 §8; renumbered 285.583 in 1991]

**284.180** [1985 c.807 §8; 1987 c.769 §5; 1989 c.171 §37; repealed by 1989 c.1015 §24]

**284.185** [1989 c.1015 §9; renumbered 285.585 in 1991]

**284.190** [1985 c.807 §15; repealed by 1989 c.1015 §24]

**284.195** [1989 c.1015 §10; renumbered 285.587 in 1991]

**284.200** [1985 c.807 §9; repealed by 1989 c.1015 §24]

**284.205** [1989 c.1015 §11; 1991 c.11 §7; renumbered 285.590 in 1991]

**284.210** [1985 c.807 §§13,14; 1987 c.769 §§6,16; repealed by 1989 c.1015 §24]

**284.215** [1989 c.1015 §12; 1991 c.11 §8; renumbered 285.593 in 1991]

**284.220** [1985 c.807 §§10,11; 1987 c.769 §7; 1989 c.224 §48; repealed by 1989 c.1015 §24]

**284.225** [1989 c.1015 §13; 1991 c.11 §9; renumbered 285.595 in 1991]

**284.230** [1985 c.807 §12; 1987 c.769 §8; repealed by 1989 c.1015 §24]

**284.235** [1989 c.1015 §14; 1991 c.459 §1; renumbered 285.597 in 1991]

**284.240** [1985 c.807 §13a; 1987 c.769 §9; repealed by 1989 c.1015 §24]

**284.245** [1989 c.1015 §15; 1991 c.415 §1; renumbered 285.600 in 1991]

**284.250** [1985 c.807 §13b; 1987 c.769 §10; repealed by 1989 c.1015 §24]

**284.254** [1989 c.1015 §16; renumbered 285.603 in 1991]

**284.255** [1987 c.769 §§12,13; 1989 c.908 §60; repealed by 1989 c.1015 §24]

**284.259** [1989 c.1015 §17; renumbered 285.605 in 1991]

**284.260** [1985 c.807 §1; repealed by 1989 c.1015 §24]

**284.263** [1989 c.1015 §18; 1991 c.459 §2; renumbered 285.607 in 1991]

**284.265** [1989 c.1015 §18a; 1991 c.11 §10; renumbered 285.610 in 1991]

**284.270** [1989 c.1015 §19; 1991 c.11 §11; renumbered 285.613 in 1991]

**284.275** [1989 c.1015 §20; 1991 c.11 §12; 1991 c.459 §3; renumbered 285.615 in 1991]

**284.280** [1989 c.1051 §21; 1991 c.11 §13; 1991 c.415 §2; 1991 c.459 §4; renumbered 285.617 in 1991]

**284.285** [1989 c.1015 §1; renumbered 285.620 in 1991]

### OREGON FILM AND VIDEO OFFICE

**284.300 Definitions for ORS 284.300 to 284.375.** As used in ORS 284.300 to 284.375, unless the context requires otherwise:

(1) "Board" means the Film and Video Board.

(2) "Office" means the Oregon Film and Video Office created by ORS 284.305 (1). [1995 c.242 §1]

**284.305 Oregon Film and Video Office; status; continuing state obligation to support office.** (1) The Oregon Film and Video Office is created as a semi-independent state agency subject to ORS 284.300 to 284.375.

(2) Subject to legislative appropriations, the State of Oregon recognizes a continuing obligation to contribute to the support of the Oregon Film and Video Office. The State of Oregon recognizes that a continued financial partnership with the office is essential to the growth of the film and video industries. [1995 c.242 §§2,11]

**284.310** [1985 c.776 §2; 1987 c.757 §1; 1989 c.537 §1; 1989 c.547 §4; 1989 c.833 §79; 1991 c.11 §14; 1991 c.687 §1; renumbered 285.700 in 1991]

**284.315 Film and Video Board; appointment; qualifications; term; meetings; compensation.** (1) The Oregon Film and Video Office shall be governed by the Film and Video Board.

(2) The Film and Video Board shall consist of five members appointed by the Governor.

(3) The five members shall be appointed as follows:

(a) Two members shall be appointed from professional filmmakers, videographers or production and support service firms.

(b) Two members shall be from the private financial sector and shall have experience in high-risk venture investments, either with start-up companies or in commercial banking.

(c) One member shall be appointed from a group or firm representing emerging media technologies.

(4) A member of the board shall be appointed for a term of four years that begins on July 1. A member shall hold office for the term of the appointment and until a succes-

sor is appointed. However, a member may be removed from the board at the pleasure of the Governor. A member is eligible for reappointment.

(5) Upon expiration of the term of a member of the board, a successor shall be appointed for a term of four years. In case of a vacancy for any cause, the Governor shall appoint an individual to serve the unexpired term of the member to be replaced.

(6) The board shall annually select one of its members to chair the board with those duties and powers that the board determines are necessary to perform the functions of the office.

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

(8) The board shall meet at least once in each calendar quarter at a time and place to be determined by the chairperson of the board. All meetings of the board shall be held in Oregon. The chairperson or any two members of the board may call a special meeting after providing written notice of the meeting to the other members at least seven days prior to the meeting.

(9) Members of the board are entitled to expenses as provided in ORS 292.495 (2). [1995 c.242 §3; 1997 c.632 §5]

**284.320** [1985 c.776 §1; 1987 c.757 §2; renumbered 285.703 in 1991]

**284.325 Director of office; appointment; powers.** The Oregon Film and Video Office shall be under the administrative control of a director, who is appointed by and who holds office at the pleasure of the Film and Video Board. The board shall set the compensation of the director. The director of the office may appoint all subordinate officers and employees of the office and may prescribe their duties and fix their compensation. The director of the office may delegate to any subordinate officer or employee any administrative duty, function or power imposed upon the office by law. [1995 c.242 §5]

**284.330** [1985 c.776 §2a; 1987 c.757 §3; renumbered 285.705 in 1991]

**284.335 Duties of director; contracts; prior approval by board for certain actions; biennial report; rules.** (1) Except as provided in subsection (2) of this section, when carrying out the duties, functions and powers of the Oregon Film and Video Office, the director of the office may contract with any state agency for the performance of such duties, functions and powers that the director considers appropriate.

(2) The director of the office may not, without the prior approval of the Film and Video Board:



(a) Award any contract for goods or professional services in excess of \$25,000;

(b) Authorize any expenditure of moneys in excess of \$25,000;

(c) Sell or otherwise dispose of real or personal property valued in excess of \$25,000;

(d) Commence a civil legal action or proceeding;

(e) Sell, transfer and convey property to a buyer or lease property to a tenant;

(f) Borrow money and give guarantees;

(g) Finance, conduct or cooperate in the financing of facilities and projects to assist the film, video and emerging media industries; or

(h) In accordance with ORS chapter 183, adopt rules necessary for the administration of laws that the office is charged with administering.

(3) The Film and Video Board shall approve the lease of property to a tenant only when the sale, transfer or conveyance of the property cannot be effected with reasonable promptness or at a reasonable price.

(4) The Film and Video Board may not allow the director to borrow money or give guarantees under subsection (2)(f) of this section unless the indebtedness or other obligations of the office are payable solely out of its own resources and do not constitute a pledge of the full faith and credit of the State of Oregon or any of the revenues of this state.

(5) The office shall file with the Governor, the Legislative Assembly and the Legislative Fiscal Officer a biennial report of the activities and operations of the office. The report shall include a full and complete reporting of the financial activities and transactions of the office during the biennium, including at least the information required under ORS 284.365 (5). [1995 c.242 §9; 2011 c.630 §2]

**284.340** [1985 c.776 §4; 1987 c.757 §4; 1991 c.878 §6; renumbered 285.707 in 1991]

**284.345 Duties of Oregon Film and Video Office.** The Oregon Film and Video Office shall:

(1) Assist in the development of Oregon's indigenous film and video industry.

(2) Act as the primary liaison and contact on behalf of the State of Oregon for film or video production companies and personnel operating in this state.

(3) Provide assistance to:

(a) Out-of-state production companies;

(b) Location managers and scouts;

(c) Film and video production personnel on location in this state when dealing with

local jurisdictions and state and federal agencies;

(d) The general public regarding film and video productions; and

(e) Local communities in attracting film and video productions.

(4) Coordinate with affected state and federal agencies to permit filming.

(5) Market and promote Oregon as a location for film or video productions.

(6) Promote the film and video industry in Oregon and the emerging interactive multimedia technologies and related industries in this state by:

(a) Developing a skilled workforce;

(b) Developing and managing production facilities and other related infrastructure;

(c) Educating the business, financial and political communities in this state concerning the positive economic and promotional effects of these industries; and

(d) Promoting investment in the film and video industry, including facilitating joint ventures and partnerships in the industry.

(7) Maintain the confidential nature of the negotiations it conducts as requested by persons doing business with the office. [1995 c.242 §6]

**284.350** [1985 c.776 §2b; repealed by 1987 c.757 §16]

**284.355 Powers of Oregon Film and Video Office.** To carry out the purposes specified in ORS 284.345, the Oregon Film and Video Office may:

(1) Make contracts and execute all instruments necessary or convenient for carrying out the duties of the office;

(2) Acquire, own, hold, dispose of and encumber real or personal property of any kind, or any interest in that property;

(3) Enter into agreements or other transactions involving the film, video and emerging interactive multimedia industries with any federal, state, county or municipal agency or with any person or other entity;

(4) Acquire real property or an interest in real property, by purchase or foreclosure, when the acquisition is necessary or appropriate to promote the film, video and emerging interactive multimedia industries;

(5) Appoint officers, consultants, agents and advisers, and prescribe their duties;

(6) Appear in its own behalf before boards, commissions, departments or other agencies of municipal or county governments, the state government or the federal government;

(7) Procure insurance against any losses in connection with its properties in such

amounts and from such insurers as may be necessary or desirable;

(8) Accept any and all donations, grants, bequests and devises, conditional or otherwise, of money, property, services or other things of value, including any interest or earnings thereon, that may be received from the United States or any agency thereof, any governmental agency or any institution or person, public or private, to be held, used or applied for any or all of the purposes specified in ORS 284.345, in accordance with the terms and conditions of the grant;

(9) Organize, conduct, sponsor, cooperate with and assist the private sector and other state agencies in the conduct of conferences and tours relating to the film, video and emerging interactive multimedia industries;

(10) Provide and pay for advisory services and technical assistance that may be necessary or desirable to carry out the purposes of ORS 284.345;

(11) Exercise any other powers necessary for the operation and functioning of the office within the purposes authorized by ORS 284.345;

(12) In order to accomplish the purposes of ORS 284.300 to 284.355, expend moneys duly budgeted to pay the travel and various other expenses of film or video production company personnel;

(13) Charge for and receive income or revenue from any source to be used for the purposes authorized by ORS 284.345; and

(14) Charge fees reasonably calculated to cover the costs incurred by the office when providing services under ORS 284.300 to 284.355. [1995 c.242 §8]

**284.360** [1985 c.776 §5; 1987 c.168 §7; renumbered 285.710 in 1991]

**284.365 Collection and expenditure of moneys; deposit into insured account; adoption of budget after public hearing; nonapplicability of state expenditure limitation.** (1) All moneys collected, received or appropriated to the Oregon Film and Video Office shall be deposited in an account established in a depository insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. In a manner consistent with the requirements of ORS 295.001 to 295.108, the chairperson of the Film and Video Board shall insure that sufficient collateral secures any amount of funds on deposit that exceeds the limits of the coverage of the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund. Subject to approval by the chairperson, the board may invest moneys collected or received by the office. Investments made by the board are limited to the types of investments listed

in ORS 294.035 (3)(a) to (i). Interest earned from any amounts invested must be made available to the office in a manner consistent with the biennial budget approved by the board.

(2) Subject to the approval of the director of the office, all necessary expenses of the office and the board must be paid from the moneys collected, appropriated or earned by the office.

(3) The office shall adopt a budget on a biennial basis using the classifications of expenditures and revenues required by ORS 291.206 (1). The budget is not subject to review and approval by the Legislative Assembly or to modification by the Emergency Board or the Legislative Assembly. However, the budget must be included in the biennial report required by ORS 284.335 (5).

(4) The board shall adopt a budget only after holding a public hearing on the proposed budget. At least 15 days prior to any public hearing on the proposed budget, the board shall give notice of the hearing to all persons known to be interested in the proceedings of the board and to any person who requests notice.

(5) All expenditures from the account established for the office under subsection (1) of this section are exempt from any state expenditure limitation. The office shall follow generally accepted accounting principles and keep such financial and statistical information that is necessary to completely and accurately disclose the financial condition and financial operations of the office as may be required by the Secretary of State.

(6) As used in this section, "depository" has the meaning given that term in ORS 295.001. [1995 c.242 §10; 2003 c.405 §4; 2005 c.443 §19; 2007 c.871 §26]

**284.367 Oregon Production Investment Fund; source of moneys in fund; permissible uses of moneys.** (1) The Oregon Production Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Production Investment Fund shall be credited to the fund.

(2) Moneys in the Oregon Production Investment Fund shall consist of:

(a) Amounts donated to the fund;

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

(c) Other amounts deposited in the fund from any source; and

(d) Interest earned by the fund.

(3) Ninety-five percent of moneys in the fund are continuously appropriated to the

Oregon Business Development Department for the purposes of making:

(a) Reimbursements to filmmakers under ORS 284.368;

(b) Payments to a tax credit marketer for marketing services provided by the marketer as described in ORS 284.369; and

(c) Refunds described in ORS 315.514 (5).

(4) Five percent of moneys in the fund are continuously appropriated to the department for the purpose of making reimbursements to local filmmakers under ORS 284.368 (3). Total reimbursements to local filmmakers may not exceed \$250,000 in a fiscal year.

(5) Expenditures from the fund are not subject to ORS 291.232 to 291.260. [2003 c.736 §79; 2009 c.471 §2; 2011 c.730 §14]

**Note:** The amendments to 284.367 by section 15, chapter 730, Oregon Laws 2011, apply to fiscal years beginning after June 30, 2013. See section 18, chapter 730, Oregon Laws 2011. The text that applies to fiscal years beginning after June 30, 2013, is set forth for the user's convenience.

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

(2) Moneys in the Oregon Production Investment Fund shall consist of:

(a) Amounts donated to the fund;

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

(c) Other amounts deposited in the fund from any source; and

(d) Interest earned by the fund.

(3) Ninety-five percent of moneys in the fund are continuously appropriated to the Oregon Business Development Department for the purposes of making:

(a) Reimbursements to filmmakers under ORS 284.368;

(b) Payments to a tax credit marketer for marketing services provided by the marketer as described in ORS 284.369; and

(c) Refunds described in ORS 315.514 (5).

(4) Five percent of moneys in the fund are continuously appropriated to the department for the purpose of making reimbursements to local filmmakers under ORS 284.368 (3).

(5) Expenditures from the fund are not subject to ORS 291.232 to 291.260.

**284.368 Reimbursement from fund; maximum amounts allowable; verification of eligible expenses; rules.** (1) As used in this section:

(a) "Actual Oregon expenses" means the costs paid in Oregon for principal photography, production or postproduction in Oregon of a film, including but not limited to the purchase or rental cost of equipment, food, lodging, real property and permits and payments made for salaries, wages and benefits for work in Oregon.

(b) "Film" means a television movie or one or more episodes of a single television series, or a movie produced for release to theaters, video or the Internet. "Film" does not include the production of a commercial or one or more segments of a newscast or sporting event.

(c) "Filmmaker" means a person who owns a television or film production company.

(d) "Local filmmaker" means a person who owns a television or film production company that has its principal place of business in this state.

(e) "Resident of this state" has the meaning given that term in ORS 316.027.

(2)(a) The Oregon Business Development Department may reimburse a filmmaker for a portion of the actual Oregon expenses incurred by the filmmaker.

(b) Maximum reimbursement for a single film shall be the total of:

(A) 10 percent of payments made for employee salaries, wages and benefits for work done in Oregon; and

(B) 20 percent of all other actual Oregon expenses.

(c) To qualify for reimbursement under this subsection, total actual Oregon expenses for the film must equal or exceed \$750,000.

(3)(a) The department may reimburse a local filmmaker for all or a portion of the actual Oregon expenses incurred by the local filmmaker.

(b) To qualify for reimbursement under this subsection:

(A) Total actual Oregon expenses paid for the film must be at least \$75,000 and less than \$750,000;

(B) The local filmmaker must have spent 80 percent of the film's payroll on employees who are residents of this state; and

(C) The local filmmaker must have employed or contracted with a public accountant certified under ORS 673.040 for the provision of payroll services.

(4) Reimbursement under this section shall be made from moneys credited to or deposited in the Oregon Production Investment Fund during the biennium in which the actual Oregon expenses were paid or any prior biennium. A reimbursement may not be made to the extent funds are not available in the fund to make the reimbursement.

(5)(a) Total actual Oregon expenses supporting a claim for reimbursement under this section must be verified by the Oregon Film and Video Office. The filmmaker must submit to the office proof of the actual Oregon expenses. The proof must include any doc-

umentation that may be required by the office in its discretion to verify the actual Oregon expenses.

(b) The office may charge the filmmaker for costs reasonably incurred to verify the actual Oregon expenses, including but not limited to the cost for a review or audit of the supporting documentation by an accountant or auditor. The office may require the department to deduct the costs incurred by the office in performing its review or audit from any reimbursement made to the filmmaker under this section.

(c) The office may adopt rules that establish a procedure for the submission and verification of actual Oregon expenses. [2003 c.736 §80; 2007 c.815 §1; 2009 c.787 §§1,1b]

**284.369 Marketing.** The Oregon Film and Video Office may hire or contract with a marketer to market the tax credits described in ORS 315.514 to taxpayers. [2003 c.736 §81]

**284.370** [1985 c.776 §6; 1987 c.168 §8; renumbered 285.713 in 1991]

**284.375 Application of other laws.** (1) Except as otherwise provided by law, ORS 279.835 to 279.855 and ORS chapters 240, 276, 279A, 279B, 279C, 282, 283, 291, 292 and 293 do not apply to the Oregon Film and Video Office.

(2) Notwithstanding subsection (1) of this section, ORS 279A.100, 279A.250 to 279A.290, 282.210 to 282.230, 293.235, 293.240, 293.245, 293.260, 293.262, 293.611, 293.625 and 293.630 apply to the Oregon Film and Video Office. [1995 c.242 §7; 2003 c.794 §234]

**Note:** Sections 1, 1a and 2, chapter 559, Oregon Laws 2005, provide:

**Sec. 1. Labor rebate for qualifying film production; requirements; certification of eligibility; rebate process; rules.** (1) As used in this section:

(a) "Actual expenses" means the costs paid in Oregon for principal photography, production or postproduction in Oregon of a qualifying film production, including but not limited to the purchase or rental cost of equipment, food, lodging, real property and permits and payments made for salaries, wages and benefits for work in Oregon.

(b) "Commercial" means a moving image production created to advertise a product or service.

(c) "Qualifying compensation" means wages paid by an employer to an employee for services performed in Oregon in connection with a qualifying film production.

(d)(A) "Qualifying film production" means a production that occurs primarily in Oregon of:

(i) One or more commercials;

(ii) One or more episodes of a television show; or

(iii) A movie to be released in theaters, on video, on television, over the Internet or over any other distribution channel.

(B) "Qualifying film production" does not include the production of one or more segments of a newscast or sporting event.

(2) The Oregon Film and Video Office shall pay a labor rebate to any person engaged in a qualifying film production for qualifying compensation paid by the person, if:

(a) The person has been certified by the office as eligible for a labor rebate;

(b) The person has made withholding payments under section 4 of this 2005 Act [316.220]; and

(c) The office has verified the actual expenses that support a claim for a labor rebate under this section and those expenses exceed \$1 million.

(3) The amount of the labor rebate for a qualifying film production shall equal the amount withheld under section 4 of this 2005 Act with respect to the qualifying film production and deposited in the Greenlight Oregon Labor Rebate Fund established in section 2 of this 2005 Act, less the expenses described in subsection (5)(b) of this section.

(4)(a) A person seeking a labor rebate under this section shall apply to the office for certification.

(b) The office shall certify a person intending to engage in a qualifying film production as eligible for a labor rebate under this section if it is reasonably likely that the person will incur actual expenses of at least \$1 million that are related to a qualifying film production and:

(A) If the qualifying film production consists of one or more episodes of a television series, the actual expenses are associated with production that comprises no more than a single season of episodes;

(B) If the qualifying film production consists of one or more commercials, the actual expenses are to be incurred within a single year; or

(C) If the qualifying film production consists of a movie or other film production not described in subparagraph (A) or (B) of this paragraph, the actual expenses are associated with that movie or other film production.

(c) If the office decides to certify an applicant, the office shall send a written certificate to the applicant and a copy of the certificate to the Department of Revenue.

(5)(a) Upon completion of the qualifying film production for which a certificate was issued under subsection (4) of this section, the office shall verify the actual expenses supporting a claim for a labor rebate under this section. The certificate holder shall submit to the office proof of the actual expenses paid in Oregon to produce the qualifying film production. The proof must include any documentation that may be required by the office in its discretion to verify the actual expenses.

(b) The office may deduct from the amount of the labor rebate costs reasonably incurred to verify the actual expenses, including but not limited to the cost for a review or audit of the supporting documentation by an accountant or auditor.

(c) The office may adopt rules that establish procedures for the submission of proof of and verification of actual expenses and the payment of rebates.

(6)(a) Following verification of actual expenses by the office, the office shall pay a labor rebate to the certificate holder in the amount determined under subsection (3) of this section.

(b) If the office is unable to verify that actual expenses of the certificate holder are at least \$1 million for the qualifying film production for which the certificate was issued, the office may not pay a labor rebate to the certificate holder. Moneys in the Greenlight Oregon Labor Rebate Fund that are attributable to withholding paid by a certificate holder for whom the office is unable to verify sufficient actual expenses may be used for the purposes of the office. [2005 c.559 §1]

**Sec. 2. Greenlight Oregon Labor Rebate Fund; permissible use of moneys; transfer of moneys.** (1) The Greenlight Oregon Labor Rebate Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Greenlight Oregon Labor Rebate Fund shall be credited to the Greenlight Oregon Labor Rebate Fund.

(2) All moneys in the Greenlight Oregon Labor Rebate Fund are continuously appropriated to the Oregon Business Development Department for the purposes of transferring amounts requested under subsection (3) of this section to the Oregon Film and Video Office.

(3) Following verification by the Oregon Film and Video Office of actual expenses of a qualifying film production certificate holder under section 1 of this 2005 Act and a request for a transfer of funds by the office, the department shall transfer amounts sufficient to pay the labor rebate described in section 1 (6)(a) of this 2005 Act and the costs of the office described in section 1 (5)(b) of this 2005 Act. [2005 c.559 §2]

**Sec. 1a.** The Oregon Film and Video Office may not issue a qualifying film production labor rebate certificate under section 1, chapter 559, Oregon Laws 2005, on or after January 1, 2018. [2005 c.559 §1a; 2011 c.730 §16]

**284.380** [1985 c.776 §7; 1987 c.757 §5; renumbered 285.715 in 1991]

**284.390** [1985 c.776 §§8,9; 1987 c.757 §6; renumbered 285.717 in 1991]

**284.400** [1985 c.776 §14; 1987 c.757 §7; renumbered 285.720 in 1991]

**284.410** [1985 c.776 §12; 1987 c.757 §8; renumbered 285.723 in 1991]

**284.415** [1987 c.757 §18; renumbered 285.725 in 1991]

**284.420** [1985 c.776 §10; 1987 c.757 §9; renumbered 285.727 in 1991]

**284.425** [1987 c.757 §18a; renumbered 285.730 in 1991]

**284.428** [1987 c.757 §19; repealed by 1991 c.902 §121]

**284.430** [1985 c.776 §22; 1987 c.506 §26; renumbered 461.710 in 1987]

**284.440** [1985 c.776 §3; 1987 c.757 §§10,22; 1989 c.966 §18; 1991 c.687 §2; renumbered 285.733 in 1991]

**284.445** [1987 c.757 §20; renumbered 285.735 in 1991]

**284.450** [1985 c.776 §11; repealed by 1987 c.757 §16]

**284.455** [1987 c.757 §23; 1991 c.944 §2; renumbered 285.737 in 1991]

**284.460** [1985 c.776 §13; repealed by 1987 c.757 §16]

**284.470** [1985 c.776 §15; repealed by 1987 c.757 §16]

**284.480** [1985 c.776 §16; repealed by 1987 c.757 §16]

**284.490** [1985 c.776 §17; 1987 c.757 §11; 1991 c.687 §3; 1991 c.944 §3; renumbered 285.740 in 1991]

**284.500** [1985 c.776 §18; 1987 c.757 §12; renumbered 285.743 in 1991]

**284.510** [1985 c.776 §19; 1987 c.757 §13; renumbered 285.745 in 1991]

**284.520** [1985 c.776 §20; 1987 c.757 §14; renumbered 285.747 in 1991]

**284.530** [1985 c.776 §21; 1987 c.757 §15; renumbered 285.750 in 1991]

**284.535** [1989 c.909 §48; renumbered 285.753 in 1991]

## GOVERNOR'S COUNCIL ON OREGON'S ECONOMY

**284.540 Governor's Council on Oregon's Economy; membership; purpose.** (1) There is established the Governor's Council on Oregon's Economy.

(2) The members of the council are:

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

(b) The chairperson of the Oregon Transportation Commission;

(c) The chairperson of the State Board of Agriculture;

(d) The president of the State Board of Higher Education; and

(e) Other persons designated by the Governor.

(3) The council shall meet quarterly to:

(a) Discuss and coordinate the activities of each entity described in subsection (2) of this section that relate to economic development and improving the economy in Oregon; and

(b) Discuss and recommend to the Legislative Assembly methods for creating certainty for the development process. [2003 c.800 §3; 2005 c.748 §24; 2007 c.804 §84]

**284.545 Legislative findings.** The Legislative Assembly finds that:

(1) There is a need for a statewide inventory of sites that are planned and zoned for industrial or traded sector uses and are ready for development;

(2) There is a need to improve coordination among local, regional and state agencies with respect to economic development programs, planning and policy; and

(3) There is a need for additional methodologies and guidance to assist local governments in economic development planning. [2003 c.800 §10]

**284.550 Definition of "traded sector."** As used in ORS 284.545 to 284.565 and sections 12 and 15 to 20, chapter 800, Oregon Laws 2003, unless the context requires otherwise, "traded sector" has the meaning given that term in ORS 285A.010. [2003 c.800 §11]

**284.555 Economic Revitalization Team; regulatory efficiency group; membership; purpose; reports.** (1) The Governor shall establish the Economic Revitalization Team in the office of the Governor for the purpose of coordinating and streamlining state policies, programs and procedures and providing coordinated state agency assistance to local governments.

(2) The team shall establish a regulatory efficiency group to assist the team consisting of the directors of the following state agencies:

(a) The Department of Environmental Quality;

(b) The Oregon Business Development Department;

- (c) The Department of Transportation;
- (d) The Department of State Lands;
- (e) The Department of Land Conservation and Development;
- (f) The State Department of Agriculture;
- (g) The Housing and Community Services Department; and
- (h) Other appropriate agencies as determined by the Governor.

(3) Subject to the direction of the Governor, the team shall:

(a) Develop mechanisms to increase coordination among agencies on common activities;

(b) Coordinate the activities of state agencies on specific state and local projects;

(c) Coordinate the planning and permitting activities of state agencies for the sites identified for industrial or traded sector development under section 12, chapter 800, Oregon Laws 2003;

(d) Coordinate activities of the regulatory efficiency group agencies with local governments;

(e) Coordinate the grant and loan activities of state agencies to implement section 12, chapter 800, Oregon Laws 2003;

(f) Participate in the rulemaking activities of regulatory efficiency group agencies to coordinate economic development activities;

(g) Prepare a report for the Seventy-second Legislative Assembly on the sites identified for industrial or traded sector development under section 12, chapter 800, Oregon Laws 2003, including a description of each site and the economic benefit expected from site development. If fewer than 25 sites are identified, the report must include an analysis of why the target set forth in section 12, chapter 800, Oregon Laws 2003, was not achieved;

(h) Prepare a report for the Seventy-second Legislative Assembly with specific recommendations regarding the future of the team; and

(i) Undertake other activities as directed by the Governor.

(4) The team shall establish an advisory committee of individuals familiar with agency permit procedures to advise the Governor and the regulatory efficiency group agencies on permit issues related to economic development.

(5) The team shall submit a report detailing its activities to the Legislative Assembly in the manner described in ORS 192.245 not later than January 31 of each odd-numbered year. The report must include:

(a) Case studies that demonstrate the types of problems encountered in coordinating agency functions;

(b) Case studies that demonstrate statutory impediments to efficient economic development; and

(c) Recommendations for legislative measures to improve agency operations and statewide economic development.

(6) The team or a state agency working with the team to implement ORS 284.545 to 284.565 and sections 12 and 15 to 20, chapter 800, Oregon Laws 2003, or a state agency implementing ORS 284.570 to 284.585 may:

(a) Accept and expend funds received from gifts, grants or other sources as necessary to perform activities authorized under ORS 284.545 to 284.565 and sections 12 and 15 to 20, chapter 800, Oregon Laws 2003, or ORS 284.570 to 284.585.

(b) Enter into contracts and other agreements as necessary to perform activities authorized under ORS 284.545 to 284.565 and sections 12 and 15 to 20, chapter 800, Oregon Laws 2003, or ORS 284.570 to 284.585. [2003 c.800 §13]

**284.560 Duties of Economic Revitalization Team.** The Economic Revitalization Team established pursuant to ORS 284.555, acting through the regulatory efficiency group agencies, shall:

(1) Give priority to expediting permits or other actions necessary for development projects proposed for a site identified for industrial or traded sector development under section 12, chapter 800, Oregon Laws 2003; and

(2) Take actions that are necessary to facilitate the implementation of the state economic development strategy developed under ORS 284.570. [2003 c.800 §14]

**284.565 Development of process for certifying sites ready for industrial or traded sector development.** The Oregon Business Development Department, in coordination with the Economic Revitalization Team established pursuant to ORS 284.555, shall develop and administer a process for certifying sites throughout the state that are ready for industrial or traded sector development. [2003 c.800 §21]

**284.570 Development of state economic development strategy; advisory committee; rules; focus of strategy.** (1) The Governor shall direct the Oregon Business Development Commission, in consultation with the Economic Revitalization Team established pursuant to ORS 284.555 and other state agencies as appropriate, to appoint an advisory committee composed of representatives of local governments, ports,

local economic development organizations and private industry and other individuals familiar with economic development strategies to assist the commission in developing a state economic development strategy. The commission shall, by administrative rule, adopt and periodically update the strategy. The strategy must focus on:

(a) Creating, expanding and retaining Oregon businesses;

(b) Assisting in the development and growth of competitive industrial sectors;

(c) Creating jobs by attracting new businesses to Oregon;

(d) Providing economic development tools and resources to Oregon communities;

(e) Assisting local communities and regions in developing and maintaining economic development plans that are coordinated with the state economic development strategy;

(f) Providing an adequate supply of industrial, commercial and retail sites available for immediate development inside urban growth boundaries;

(g) Providing public infrastructure in a timely manner;

(h) Resolving constraints on and removing barriers to the timely development of industrial and traded sector sites; and

(i) Developing recommendations for prioritizing state loans, grants and technical assistance to local governments that meet the objectives of the state economic development strategy.

(2) The commission shall present the state economic development strategy to the Governor and the Seventy-second Legislative Assembly not later than June 30, 2004, including a report on actions taken to implement the strategy. [2003 c.800 §25]

**284.575 Duties of Department of Transportation related to state economic development strategy.** In furtherance of the state economic development strategy developed under ORS 284.570, the Department of Transportation shall:

(1) Develop a process to prioritize funding for transportation projects that further the state economic development strategy.

(2) Develop and maintain state transportation policies and a comprehensive long-range plan for a safe, multimodal transportation system that encourages economic efficiency and orderly economic development and that maximizes the use of existing transportation infrastructure.

(3) Take actions that are necessary to ensure that department policies and activities are implemented in a manner that sup-

ports the state economic development strategy.

(4) Expedite the processing of permits issued by the department for transportation projects that further the state economic development strategy. [2003 c.800 §27]

**284.577 State and local cooperation to provide industrial, commercial and retail development sites; implementation of state economic development strategy; rules.** In furtherance of the state economic development strategy developed under ORS 284.570, the Land Conservation and Development Commission shall:

(1) Provide local governments with basic and advanced methods for identifying, analyzing and providing for industrial, commercial and retail development sites.

(2) Develop and provide guidebooks and other appropriate materials to assist local governments in identifying and analyzing potential industrial, commercial and retail development sites.

(3) Provide local governments with technical assistance to assist in completing the identification and analysis and in amending comprehensive plans and land use regulations based on the identification and analysis.

(4) Provide grants to local governments in a manner that furthers the implementation of the state economic development strategy.

(5) Adopt, amend or repeal administrative rules and procedures as necessary to ensure that the following actions can be accomplished in a timely manner:

(a) Expansion of urban growth boundaries where necessary to accommodate industrial or traded sector development;

(b) Review of amendments to comprehensive plans and land use regulations and periodic review of comprehensive plans and land use regulations; and

(c) Focus the resources of the Department of Land Conservation and Development on issues related to land supply within urban growth boundaries and transportation and public facilities necessary to stimulate economic growth. [2003 c.800 §26]

**284.580 Role of local governments in implementation of state economic development strategy.** Local governments, as defined in ORS 174.116, shall participate in the implementation of the state economic development strategy developed under ORS 284.570 by demonstrating a willingness to:

(1) Coordinate local economic development plans with the state economic development strategy; and

(2) Expedite amendments to comprehensive plans and land use regulations. [2003 c.800 §29]

**284.585 Assistance to local governments; site assessment methodology.** In furtherance of the state economic development strategy developed under ORS 284.570, the Department of State Lands shall:

(1) Consistent with ORS 196.674, focus wetlands inventories on areas described in the state economic development strategy. The department may provide grants and technical assistance to local governments to conduct the inventories.

(2) Develop a site assessment methodology for rapidly determining the capacity of a site for economic development. The methodology shall address site-specific impediments to development and any costs associated with compliance with ORS 196.800 to 196.900. [2003 c.800 §28]

### OREGON PROGRESS BOARD

**284.600 Policy; legislative findings and statement of purpose.** The Legislative Assembly finds that:

(1) The Oregon of the future can provide unparalleled economic opportunities while maintaining Oregon's traditional values if this state pursues its future with clarity of purpose and perseverance.

(2) Oregon is in the midst of massive economic, social and environmental transitions created by technological changes, global competition and changing population demographics. In order to expand economic opportunities while maintaining Oregon's unique quality of life in the face of change, Oregonians must have a vision for their preferred future that spans economic, social and environmental concerns.

(3) An independent Oregon Progress Board is needed to:

(a) Encourage the discussion and understanding among all Oregonians of critical global and national economic, social and environmental trends that will affect Oregon in the coming decades;

(b) Formulate and submit to Oregonians a strategy that describes and explains a vision for Oregon's economic, social and environmental progress for 20 years into the future; and

(c) Submit to the Legislative Assembly, for its adoption, goals for Oregon's progress, including measurable indicators of the achievement of those goals. [Formerly 285A.150]

**284.604 Oregon Progress Board; members; terms; compensation.** (1) There is established an Oregon Progress Board consisting of the following members:

(a) The Governor;

(b) Nine members appointed by the Governor;

(c) One Senator appointed by the President of the Senate; and

(d) One Representative appointed by the Speaker of the House of Representatives.

(2)(a) The term of office of each member appointed by the Governor is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on January 31 next following. A member is eligible for reappointment.

(b) Each legislative member serves at the pleasure of the appointing authority and may serve as long as the member remains in the chamber of the Legislative Assembly from which the member was appointed.

(3)(a) A member of the Oregon Progress Board appointed by the Governor shall be entitled to compensation and expenses as provided in ORS 292.495.

(b) Members of the Legislative Assembly appointed to the Oregon Progress Board shall be entitled to an allowance as authorized in ORS 171.072 from funds appropriated to the Legislative Assembly.

(4) Of the members appointed by the Governor to the board, five shall be selected who are residents of different congressional districts in this state.

(5) Members appointed by the Governor to the Oregon Progress Board shall be appointed so as to be representative of the ethnic, cultural, social and economic diversity of the people of this state.

(6) Members appointed by the legislative appointing authority shall serve as the official liaisons to their respective chambers for the purposes described in ORS 284.622 and 284.628. [Formerly 285A.153]

**284.608 Additional nonvoting members of board; advisory functions; payment of expenses.** (1) In addition to the members listed in ORS 284.604, the Oregon Progress Board shall have as members:

(a) The Director of the Oregon Department of Administrative Services, who shall serve as a member ex officio; and

(b) A student selected by the Governor.

(2) The student member of the board shall serve for as long as the member remains a student or at the pleasure of the Governor.

(3) The director and the student member may not vote on matters before the board and may not bind the board with respect to decisions relating to matters described in ORS 284.615, 284.618 and 284.622. The direc-



tor and the student member shall advise the board concerning the goals, missions and functions of the board.

(4) ORS 284.604 does not apply to the members of the board serving under this section. However, the director and the student member may receive actual and necessary expenses actually incurred in the performance of their duties as board members as provided in ORS 292.495 (2). [Formerly 285A.156]

**284.610** [1985 c.814 §3; 1987 c.837 §3; 1991 c.488 §1; 1993 c.210 §1; 1999 c.274 §3; repealed by 2001 c.922 §35]

**284.612 Officers; quorum; meetings.** (1) The Governor shall serve as chair of the Oregon Progress Board and may appoint an executive officer for the board for a term and with such duties and powers as the board determines to be necessary or appropriate.

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

(3) The board shall meet as the board determines necessary at times and places specified by call of the chair or a majority of the members of the board. [Formerly 285A.159; 2009 c.885 §20]

**284.615 Strategy for Oregon's future; participation of public in development of strategy; adoption of strategy; periodic revision.** (1) The Oregon Progress Board shall develop a strategy for Oregon that addresses the economic, social, cultural, environmental and other needs and aspirations of the people of Oregon.

(2) The strategy developed by the Oregon Progress Board shall address issues that the board determines are necessary and appropriate to Oregon's future. Such issues shall include:

- (a) Education and workforce.
- (b) Public and private cooperation.
- (c) Environmental quality.
- (d) Infrastructure.
- (e) Funding and taxation.
- (f) Social well-being.

(g) Such other issues as the board, by majority vote, shall add to the strategy.

(3) When developing the strategy, the Oregon Progress Board shall hold public hearings, public meetings and workshops as needed to ensure the participation of a broad cross section of Oregon's population. The board shall publicize the public hearings, public meetings and workshops in each city in which they are held and shall allow interested residents and other individuals to appear and be heard by the board.

(4) After considering any written comments and public testimony relating to the

proposed strategy, the board shall revise the strategy as it considers necessary or appropriate. The board, by a vote of a majority of its members, shall approve and adopt a final strategy. The board shall submit, in addition to its adopted strategy, a summary and digest of comments and public testimony and its response, if any, to those comments. The adopted strategy shall be submitted to the Seventy-third Legislative Assembly not later than March 15, 2005, and every eight years thereafter. [Formerly 285A.162]

**284.618 Board recommendation of statutory and policy changes; local assistance.** As a part of the strategy adopted under ORS 284.615, the Oregon Progress Board shall also recommend statutory or other policy changes, including modifications in public fiscal policies and other implementing actions to be carried out by state and local governments, businesses, private citizens and other organizations. Board staff shall assist local communities, wherever possible, in developing plans and measures of success to achieve the goals established under ORS 284.615. [Formerly 285A.165]

**284.620** [1985 c.814 §1; 1991 c.488 §2; 1993 c.210 §2; repealed by 1999 c.274 §22]

**284.622 Goals to measure progress; review and adoption; revision.** (1) The Oregon Progress Board shall, in its adopted strategy, include a series of goals for Oregon's progress for 20 years into the future.

(2) Goals shall include such measurable indicators of success (Oregon benchmarks), as the board shall determine, that show the extent to which each goal is being achieved.

(3) Goals shall be reviewed by the Legislative Assembly, which may, by joint resolution, adopt, modify, delete or add to the goals. Any goals adopted by the Legislative Assembly shall become the goals used by the board in its subsequent activities.

(4) After the legislative review and adoption of goals, the board may recommend such modifications to the goals as it considers appropriate. [Formerly 285A.168]

**Note:** Section 1, chapter 611, Oregon Laws 2011, provides:

**Sec. 1.** (1) The Oregon Department of Administrative Services may consult with the Oregon Progress Board regarding:

(a) A plan to integrate the Oregon benchmarks established in ORS 284.622 with the legislative budgeting and policymaking process, for review by the Legislative Assembly;

(b) A plan to merge or align the purpose, duties and powers of the board with the purpose, duties and powers of the Committee on Performance Excellence established in ORS 182.562, the Transparency Oregon Advisory Commission created in ORS 184.486 and other boards, commissions, departments or agencies of the state government; and

(c) Agencies or nongovernmental entities with which the board may enter into agreements under ORS 284.633.

(2) The department shall submit a report of the conclusions and recommendations made pursuant to subsection (1) of this section to the interim committees of the Legislative Assembly with subject matter jurisdiction over the Oregon Progress Board and Oregon benchmarks on or before July 2, 2012. [2011 c.611 §1]

**284.625 Evaluation of sustainability goals; biennial report; contents.** The Oregon Progress Board shall evaluate the goals specified in ORS 184.423 and other potential measures, including benchmarks, for effectiveness in measuring progress toward sustainability. The board may consult with the Oregon Department of Administrative Services and other agencies as appropriate to complete the evaluation. The Oregon Progress Board shall include the findings of the evaluation conducted under this section in its report specified by ORS 284.628. [Formerly 285A.170]

**284.628 Biennial report; contents.** The Oregon Progress Board shall prepare, at least once each biennium, a report that describes Oregon's progress toward achievement of the board's strategy, based on the Oregon benchmarks the board adopts for measuring the attainment of strategic goals. The board shall review the Oregon benchmarks each biennium and make any modification necessary to improve the accuracy or comprehensiveness of the measures. The report shall include an analysis of issues and trends of strategic significance and shall propose key steps that Oregon should take over the following two years to build for Oregon's future. The board shall submit the report to the Legislative Assembly for review. [Formerly 285A.174]

**284.630** [1985 c.814 §4; 1987 c.94 §101; 1987 c.837 §10; 1987 c.879 §12; 1993 c.210 §3; 1997 c.802 §15; 1999 c.274 §4; repealed by 2001 c.922 §35]

**284.631 Contributions; Oregon Progress Board Fund.** (1) The Oregon Progress Board may accept contributions of moneys and assistance from the United States Government or its agencies or from any other source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the board.

(2) There is established in the State Treasury, separate and distinct from the General Fund, the Oregon Progress Board Fund. The fund consists of moneys received by the board under this section and such other moneys as may otherwise be made available by law. Interest earned on the fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the board and may be used only for the performance of the functions of the board. [2009 c.885 §18]

**284.633 Agreements for personnel and expenses.** (1) The Oregon Progress Board may enter into an agreement with:

(a) Any state agency for the provision of clerical, technical and management personnel to the board to serve as the board's staff and for the provision of other administrative, operational or overhead expenses necessary to accomplish the public purposes of the board.

(b) A nongovernmental entity for the provision of administrative, operational or overhead expenses necessary to accomplish the public purposes of the board.

(2) As used in this section:

(a) "Public institution of higher education" means a community college or a public university listed in ORS 352.002.

(b) "State agency" means any officer, board, commission, department, division or institution in the executive or administrative branch of state government or a public institution of higher education. [2009 c.885 §19; 2011 c.637 §91]

**284.635 Agreement with other state agency; duties; Governor to resolve disputes.** (1) If the Oregon Progress Board enters into an agreement with a state agency other than the Oregon Department of Administrative Services under ORS 284.633, the Director of the Oregon Department of Administrative Services shall:

(a) Deliver to the state agency all records and property within the jurisdiction of the director that relate to the duties, functions and powers of the board; and

(b) Transfer to the state agency those employees engaged primarily in the exercise of the duties, functions and powers of the board.

(2) The state agency shall take possession of the records and property, and shall take charge of the employees and employ them in the exercise of the duties, functions and powers of the board, without reduction of compensation but subject to change or termination of employment or compensation as provided by law.

(3) The Governor shall resolve any dispute between the department and the state agency relating to transfers of records, property and employees under this section, and the Governor's decision is final. [2009 c.885 §21]

**284.640** [1985 c.814 §2; 1987 c.837 §4; 1991 c.488 §3; 1993 c.210 §4; 1999 c.274 §5; repealed by 2001 c.922 §35]

**284.650** [1985 c.814 §6; 1987 c.837 §5; 1989 c.908 §61; 1993 c.210 §§5,6; 1999 c.274 §6; repealed by 2001 c.922 §35]

**284.655** [1999 c.274 §2; repealed by 2001 c.922 §35]

**284.660** [1985 c.814 §6a; 1993 c.210 §8; repealed by 1999 c.274 §22]

**284.665** [1999 c.274 §9; repealed by 2001 c.922 §35]

**284.670** [1985 c.814 §5; 1987 c.837 §6; 1989 c.908 §62; 1993 c.210 §§9,10; repealed by 1999 c.274 §22]

**284.675** [1999 c.274 §10; repealed by 2001 c.922 §35]

**284.680** [1985 c.814 §8; 1987 c.837 §7; 1989 c.259 §1; 1991 c.488 §4; 1993 c.210 §12; repealed by 1999 c.274 §22]

**284.690** [1985 c.814 §9; 1987 c.837 §8; 1991 c.488 §5; 1993 c.210 §13; repealed by 1999 c.274 §22]

**284.695** [1989 c.1090 §4; 1993 c.210 §14; repealed by 1999 c.274 §22]

**284.700** [1985 c.814 §10; 1991 c.488 §6; 1993 c.210 §15; repealed by 1999 c.274 §22]

## OREGON INNOVATION COUNCIL

**284.701 Definitions for ORS 284.701 to 284.749.** As used in ORS 284.701 to 284.749:

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

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

(a) Derives from and supports innovation and research;

(b) Promotes Oregon’s market capacities and competitive advantages;

(c) Involves technology-based innovation;

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

(e) Involves the establishment of partnerships between and collaboration with research institutions, the private sector and public entities;

(f) Endeavors to transfer innovative technologies to the private sector or to commercialize innovative research and development; and

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

(3) “Oregon growth business” means:

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

(b) An emerging growth business as defined in ORS 348.701.

(4) “Public entity” means any agency of the federal or state government, county, city,

town, public corporation or political subdivision in this state.

(5) “Research institution” means:

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

(b) A public university listed in ORS 352.002;

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

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

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

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

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

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

(6) “Traded sector” has the meaning given that term in ORS 285A.010. [2005 c.748 §1; 2011 c.610 §1; 2011 c.637 §92]

**284.705** [1987 c.837 §§2,12; 1991 c.488 §7; 1993 c.210 §16; 1999 c.274 §7; repealed by 2001 c.922 §35]

**284.706 Oregon Innovation Council; members; rules; compensation and expenses.** (1) There is created the Oregon Innovation Council consisting of the following voting members:

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

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

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

(d) A member of the Oregon Growth Account Board, appointed by the board, who has experience in the field of venture capital.

(e) A member of the Engineering and Technology Industry Council, appointed by the Engineering and Technology Industry Council.

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

(g) The Chancellor of the Oregon University System.

(h) The Commissioner for Community College Services.

(i) The State Treasurer.

(2)(a) The Speaker of the House of Representatives shall appoint two members to

the council who are members of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Members of the council who are members of the Legislative Assembly are entitled to compensation and expense reimbursement as provided in ORS 171.072.

(12) Members of the council who are not members of the Legislative Assembly are entitled to compensation and expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for compensation and expenses of members of the council who are public officers shall be paid out of funds appropriated to the public agency that employs the member. Claims for compensation and expenses of members of the council who are not public officers shall be paid out of funds appropriated to the Oregon Business Development Department for that purpose.

(13) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the council consider necessary to perform their duties. [2005 c.748 §2; 2007 c.804 §85; 2011 c.272 §13; 2011 c.610 §2]

**284.710** [1985 c.814 §11; 1991 c.488 §8; 1993 c.210 §17; repealed by 1999 c.274 §22]

**284.711 Duties; grants or loans; contracts; fees.** (1) The Oregon Innovation Council shall provide advice to the Governor, the Legislative Assembly, research institutions, public agencies that provide economic development and the private sector on issues related to:

(a) Promoting agreements between research institutions and private industry that increase technology transfer and the commercialization of research;

(b) Promoting investment in specialized research facilities and signature research centers where Oregon has a distinct or emerging advantage for creating new products and businesses;

(c) Stimulating seed and start-up capital investment and entrepreneurial capacity that will promote economic growth in Oregon traded sector industries or Oregon growth businesses;

(d) Developing the entrepreneurial and management capacity critical to the competitiveness of Oregon traded sector industries or Oregon growth businesses in rapidly growing global markets;

(e) Enhancing the international competitiveness of Oregon traded sector industries or Oregon growth businesses; and

(f) Identifying workforce issues for occupations critical to the competitiveness of Oregon traded sector industries or Oregon growth businesses, including but not limited to scientific, engineering, information technology, business management and innovation-based economic development occupations.

(2) The Oregon Innovation Council shall advise the Engineering and Technology Industry Council established in ORS 351.663 on how to coordinate the Engineering and Technology Industry Council's goals and policies with the state plan developed under ORS 284.715.

(3) The council, the Oregon Business Development Commission, the State Board of Higher Education and the office of the State Treasurer shall coordinate policies and programs related to the duties of the council.

(4) Based on the state plan developed under ORS 284.715 and subject to the approval of the Oregon Business Development Department, the council may distribute moneys in the Oregon Innovation Fund by grant or loan or pursuant to contracts with research institutions, the private sector and public entities.

(5) The council may assess and charge fees for making grants or loans under ORS 284.742. [2005 c.748 §4; 2011 c.610 §3]

**284.715 State plan for innovation and economic competitiveness.** (1) The Oregon Innovation Council shall develop a state plan for innovation and economic competitiveness. The plan shall include policy and program recommendations to:

(a) Identify and expand the state's industry and core research strengths related to Oregon traded sector industries or Oregon growth businesses;

(b) Promote agreements between research institutions and private industry that increase technology transfer and the commercialization of research;

(c) Promote investment in specialized research facilities and signature research centers where Oregon has a distinct or emerging advantage for innovation-based economic development; and

(d) Stimulate seed and start-up capital investment and entrepreneurial capacity that will promote innovation-based economic development in Oregon traded sector industries or Oregon growth businesses.

(2) The state plan shall also include an identification of workforce issues and trends related to the development of workers in traded sector industries or Oregon growth businesses and make recommendations to the State Workforce Investment Board and the State Board of Education on training and education enhancements based on the identified workforce issues and trends.

(3) The council shall update the plan every biennium.

(4) Each year, the council shall report to the Governor and the Legislative Assembly about the plan. [2005 c.748 §5; 2011 c.610 §4]

**284.720 Oregon Innovation Fund.** (1) There is created within the State Treasury, separate and distinct from the General Fund, the Oregon Innovation Fund. Interest earned by the Oregon Innovation Fund shall be credited to the fund.

(2) Moneys in the Oregon Innovation Fund shall consist of:

(a) Amounts donated to the fund;

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

(c) Investment earnings received on moneys in the fund; and

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

(3) Moneys in the fund are continuously appropriated to the Oregon Innovation Council for the purposes of making grants and loans under ORS 284.742 and entering into contracts to carry out the recommendations included in the state plan developed under ORS 284.715.

(4) The council may establish accounts and subaccounts within the fund when the council 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 council may use moneys in the fund to pay the administrative costs associated with the fund and with making grants, loans and other distributions of moneys from the fund. [2005 c.748 §7; 2011 c.610 §5]

**284.725 Oregon Commercialized Research Fund.** (1) There is created within the State Treasury, separate and distinct from the General Fund, the Oregon Commercialized Research Fund. Interest earned by the Oregon Commercialized Research Fund shall be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the Oregon Innovation Council for the purpose of making grants and loans under ORS 284.735.

(3) The council may accept moneys from any source for deposit in the fund.

(4) The council may use moneys in the fund to pay the administrative costs associated with the fund and with making grants, loans and other distributions of moneys from the fund. [2005 c.748 §8; 2009 c.805 §4; 2011 c.610 §6]

**284.730 Oregon Commercialized Research Fund Advisory Council; duties.** (1) There is created the Oregon Commercialized Research Fund Advisory Council consisting of nine members appointed by the Oregon Innovation Council. The members shall represent private equity investment firms, Ore-

gon traded sector industries and research institutions.

(2) The advisory council shall:

(a) Advise the Oregon Innovation Council about investment criteria for the Oregon Commercialized Research Fund;

(b) Recommend projects to the Oregon Innovation Council that may be eligible for grants or loans from the fund;

(c) Review the performance of projects that are funded by grants or loans from the fund; and

(d) Review the performance of the fund.

(3) A majority of the members of the advisory council constitutes a quorum for the transaction of business.

(4) Official action by the advisory council requires the approval of a majority of the members of the advisory council.

(5) The advisory council shall elect one of its members to serve as chairperson.

(6) If there is a vacancy for any cause, the Oregon Innovation Council shall make an appointment to become immediately effective.

(7) The advisory council shall meet at times and places specified by the call of the chairperson or of a majority of the members of the advisory council.

(8) The Oregon Innovation Council shall provide staff support to the advisory council.

(9) Members of the advisory council are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to the Oregon Innovation Council for that purpose.

(10) All agencies of state government, as defined in ORS 174.111, are directed to assist the advisory council in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the advisory council consider necessary to perform their duties. [2005 c.748 §10]

**284.735 Grants and loans to growth businesses; rules.** (1) The Oregon Innovation Council may make grants and loans from the Oregon Commercialized Research Fund to Oregon growth businesses.

(2) To qualify for a grant or loan under this section, an Oregon growth business must enter into an agreement with one or more research institutions to carry out proof of concept activities to:

(a) Establish the commercial potential of research; and

(b) Develop a business concept that can attract early stage private investment, including angel capital and venture capital.

(3) Proof of concept activities for which an Oregon growth business may receive a grant or loan under this section include:

(a) The development of intellectual property;

(b) The payment of salaries and related expenses for commercialized research;

(c) The acquisition of equipment and supplies required for the proof of concept activities;

(d) Furthering innovation-based economic development; and

(e) Other activities as defined by rule of the council.

(4) To receive a grant or loan, the Oregon growth business or a research institution that has entered into an agreement with the business must agree to provide a cash match equivalent to:

(a) 30 percent of the amount of the grant or loan for businesses with fewer than 20 employees.

(b) 50 percent of the amount of the grant or loan for businesses with 20 or more but fewer than 50 employees.

(c) 75 percent of the amount of the grant or loan for businesses with 50 or more but fewer than 100 employees.

(5)(a) The council shall award grant or loan moneys to an Oregon growth business in a two-phase contract. Each phase of the contract shall have clearly defined performance measures included in the contract between the business and the council.

(b) Under phase I of the contract, a business may be granted or loaned an initial investment not to exceed \$75,000. Phase I shall also include an agreement that upon successful completion of the performance measures for phase I, the business shall be eligible for funding under phase II. The amount of grant or loan moneys available to a business under both phases may not exceed \$200,000.

(6) The council shall require any Oregon growth business that receives a grant or loan under this section and that moves more than 50 percent of the employees of the business out of the state within two years after receiving grant or loan moneys to repay the total amount of the grant or loan moneys.

(7) The council shall require an Oregon growth business that receives a loan under this section to repay the loan within five years after receiving the loan. The council

shall deposit any loan moneys received under this subsection in the Oregon Commercialized Research Fund.

(8) The council may award up to 15 percent of the amount of moneys available in the fund for grants or loans:

(a) To the Oregon University System for education of faculty on issues related to developing effective technology transfer and commercialized research processes; and

(b) For other activities as defined by rule of the council.

(9) The council may adopt rules to administer this section. The council shall follow the advice of the Oregon Commercialized Research Fund Advisory Council when adopting rules to administer this section. [2005 c.748 §9; 2011 c.610 §7]

**284.740 Oregon Innovation Council research centers.** (1) The Oregon Innovation Council may establish one or more signature research centers to maximize collaborative ventures among research institutions, public entities and Oregon growth businesses that will capitalize on opportunities to obtain private and federal funding for the research and development of innovation-based economic development.

(2) The council may contract with a non-profit entity for the administration of the centers.

(3) Signature research centers, Oregon growth businesses and research institutions contracting to engage in innovation-based economic development, to conduct research within a signature research center or to engage in other business endeavors, as defined by the Oregon Innovation Council by rule, may receive grants and loans from moneys in the Oregon Innovation Fund created under ORS 284.720 or the Oregon Commercialized Research Fund created under ORS 284.725. [2005 c.748 §11; 2011 c.610 §8]

**284.742 Grants and loans to fund proposals for innovation-based economic development; fees; rules.** (1) Subject to the approval of the Oregon Business Development Department, the Oregon Innovation Council may make grants and loans from the Oregon Innovation Fund created under ORS 284.720 to fund proposals that have as their principal objectives:

(a) The establishment of partnerships between and collaborations with research institutions and Oregon growth businesses for innovation-based economic development; or

(b) The transfer of innovation-based economic development technology to the private sector or the commercialization of innovation-based economic development research and related development in Oregon.

(2)(a) To qualify for a grant or loan under subsection (1) of this section, a proposal must be submitted to the Oregon Innovation Council in the manner and with a fee as may be prescribed by rule.

(b) All proposals for funding under subsection (1) of this section must establish return on investment criteria and performance measures as prescribed by rule.

(3) The Oregon Innovation Council shall make recommendations to the department for rules to be adopted by the department to administer the provisions of this section. [2011 c.610 §10]

**284.745 Definitions for ORS 284.745 to 284.749.** As used in ORS 284.745 to 284.749, “bond-related costs” means:

(1) The costs and expenses of issuing and administering bonds under ORS 284.745 to 284.749, including but not limited to:

(a) Paying or redeeming the bonds, including principal, interest and premium, if any;

(b) Paying amounts due in connection with credit enhancement devices or reserve instruments;

(c) Paying the administrative costs and expenses of the State Treasurer, the Oregon Business Development Department and the Oregon Innovation Council, including the cost of consultants, attorneys and advisers retained by the State Treasurer, the department or the council for the bonds; and

(d) Any other costs or expenses that the State Treasurer, the department or the council determines are necessary or desirable in connection with issuing or administering the bonds;

(2) The cost of funding bond reserves;

(3) Capitalized interest for the bonds; and

(4) Rebates or penalties due to the United States in connection with the bonds. [2011 c.610 §11]

**284.746 Request for issuance of revenue bonds; issuance of bonds; use of bond proceeds; nature of revenue bonds; powers of council.** (1)(a) The Oregon Innovation Council, in consultation with the Oregon Business Development Department, shall determine eligibility for revenue bond financing of proposals for funding under ORS 284.742 pursuant to rules adopted by the council in consultation with the department.

(b) After determining that a proposal, grant or loan is eligible for revenue bond financing under paragraph (a) of this subsection, the department shall forward a request for the issuance of revenue bonds to the State Treasurer.

(2) The State Treasurer may issue revenue bonds subject to the budget authorization for bond issuance established under ORS 286A.035 for the department and the council for the purpose of financing or refinancing, in whole or part, grants and loans made under ORS 284.742, plus an additional amount to be estimated by the State Treasurer for payment of bond-related costs.

(3) Net proceeds of the revenue bonds issued pursuant to this section must be deposited in the Oregon Innovation Bond Fund established under ORS 284.747 for disbursement to the council to finance the making of grants and loans under ORS 284.742.

(4) Bond-related costs must be paid from the gross proceeds of the revenue bonds issued under this section and from moneys deposited in an account or subaccount of the Oregon Innovation Fund that has been established by the council specifically for this purpose.

(5) The department and the council, with the approval of the State Treasurer, may irrevocably pledge and assign all or a portion of the moneys deposited in an account or subaccount of the Oregon Innovation Fund that has been established by the council specifically for the purpose of securing revenue bonds issued under this section or credit enhancements obtained for the revenue bonds issued under this section.

(6) Revenue bonds issued under this section:

(a) Are payable from the moneys deposited in an account or subaccount of the Oregon Innovation Fund that has been established by the council specifically for the purpose of making payments on revenue bonds issued under this section.

(b) Do not constitute a debt or general obligation of the state, the Legislative Assembly or a political subdivision of this state but are secured solely by:

(A) The moneys deposited in an account or subaccount of the Oregon Innovation Fund that has been established by the council specifically for the purpose of making payments on revenue bonds issued under this section;

(B) Amounts in a debt service reserve account established with respect to revenue bonds issued under this section; or

(C) A credit enhancement obtained for the revenue bonds issued under this section.

(7) The State Treasurer, the department and the council have no obligation to pay bond-related costs except as provided in this section. A holder of revenue bonds or other similar obligations issued under this section does not have the right to compel the exer-

cise of the taxing power of the state to pay bond-related costs.

(8) The holders of revenue bonds issued under this section, upon the issuance of the revenue bonds, have a perfected lien on the moneys deposited in an account or subaccount of the Oregon Innovation Fund that has been established by the council specifically for the purpose of securing and making payments on revenue bonds issued under this section or credit enhancements obtained for the revenue bonds issued under this section. The lien and pledge are valid and binding from the date of issuance of the revenue bonds and are automatically perfected without physical delivery, filing or other act. The lien and pledge are superior to subsequent claims or liens on the moneys deposited in the Oregon Innovation Fund.

(9) As long as any revenue bonds issued under this section are outstanding, the provisions of this section and the provisions of a security document related to the revenue bonds are deemed to be contracts between the state and holders of the revenue bonds. The state:

(a) May not create a lien, encumbrance or any other obligation that is superior to the liens authorized by subsection (8) of this section on the moneys in the Oregon Innovation Fund that are pledged and assigned to the payment of the revenue bonds; and

(b) May not give force or effect to a statute or initiative or referendum measure approved by the electors of this state if doing so would unconstitutionally impair existing covenants made with the holders of existing revenue bonds or would unconstitutionally impair other obligations or agreements regarding the security of revenue bonds to which the moneys deposited in the Oregon Innovation Fund are pledged and assigned.

(10) The council is authorized to establish separate accounts or subaccounts within the Oregon Innovation Fund for separate bond issues.

(11) The council may:

(a) Make all contracts, execute all instruments and do all things necessary or convenient in the exercise of the powers granted by this section, in the performance of its covenants or duties, or in order to secure the payment of revenue bonds issued under this section; and

(b) Enter into covenants for the benefit of bond holders regarding the use and expenditure of moneys in the Oregon Innovation Fund.

(12) The State Treasurer, the department or the council may appoint bond counsel as prescribed in ORS 286A.130. [2011 c.610 §12]



**284.747 Oregon Innovation Bond Fund.**

(1) The Oregon Innovation Bond Fund is established in the State Treasury, separate and distinct from the General Fund. The net proceeds from the sale of revenue bonds issued under ORS 284.746 must be credited to the Oregon Innovation Bond Fund. Investment earnings received on moneys in the fund must be credited to the fund.

(2) Moneys in the fund are continuously appropriated to the Oregon Innovation Council for the purpose of making grants and loans under ORS 284.742. [2011 c.610 §13]

**284.748 Oregon Innovation Debt Service Fund.** (1) The Oregon Innovation Debt Service Fund is established in the State Treasury, separate and distinct from the General Fund. The Oregon Innovation Debt Service Fund consists of:

(a) An amount from the moneys deposited in the Oregon Innovation Fund credited to the Oregon Innovation Debt Service Fund by the State Treasurer that is necessary in a fiscal year, as determined by the Oregon Innovation Council, in consultation with the Oregon Business Development Department and the State Treasurer, to pay the bond-related costs scheduled to be paid in that fiscal year on the revenue bonds issued under ORS 284.746;

(b) Any funds appropriated or allocated to the Oregon Innovation Debt Service Fund; and

(c) Investment earnings received on moneys in the Oregon Innovation Debt Service Fund.

(2) Moneys in the Oregon Innovation Debt Service Fund are continuously appropriated to the Oregon Innovation Council to pay, when due, the bond-related costs on outstanding revenue bonds, to fund revenue bond reserves and to pay amounts due in connection with credit enhancements.

(3) The council, in consultation with the department and the State Treasurer, shall use amounts in the Oregon Innovation Debt Service Fund to pay, when due, the bond-related costs on outstanding revenue bonds, to fund revenue bond reserves and to pay amounts due in connection with credit enhancements.

(4) If the moneys deposited in the Oregon Innovation Fund are not sufficient to pay the bond-related costs due to be paid in a fiscal year, the council, in consultation with the department and the State Treasurer, shall make payments in that fiscal year according to the relative priority of revenue bonds secured by the moneys deposited in the Oregon Innovation Fund. [2011 c.610 §14]

**284.749 Oregon Innovation Bond Administration Fund.**

(1) The Oregon Innovation Bond Administration Fund is established in the State Treasury, separate and distinct from the General Fund. The Oregon Innovation Bond Administration Fund consists of:

(a) The amount of revenue bond proceeds remaining after depositing the net proceeds in the Oregon Innovation Bond Fund pursuant to ORS 284.747;

(b) The proceeds of revenue bonds issued to pay bond-related costs;

(c) Any funds appropriated or allocated to the Oregon Innovation Bond Administration Fund; and

(d) Investment earnings received on moneys in the Oregon Innovation Bond Administration Fund.

(2) Moneys in the Oregon Innovation Bond Administration Fund are continuously appropriated to the Oregon Innovation Council for paying bond-related costs during the term of revenue bonds issued under ORS 284.746.

(3) The council, in consultation with the Oregon Business Development Department and the State Treasurer, may use amounts in the Oregon Innovation Bond Administration Fund to pay bond-related costs during the term of revenue bonds issued under ORS 284.746. Amounts in the fund must be disbursed upon the written request of the council in consultation with the department. [2011 c.610 §15]

**Note:** Sections 1 to 3, chapter 90, Oregon Laws 2010, provide:

**Sec. 1. Grow Oregon Council; duties; rules.** (1) There is created the Grow Oregon Council, consisting of 19 members appointed as follows:

(a) The President of the Senate shall appoint:

(A) Two members from among members of the Senate who shall be from different political parties.

(B) Two members representing municipal or regional economic development organizations.

(C) One member who shall be a current or former business leader with fast-growth business experience.

(b) The Speaker of the House of Representatives shall appoint:

(A) Two members from among members of the House of Representatives who shall be from different political parties.

(B) Two members representing municipal or regional economic development organizations.

(C) One member who shall be a current or former business leader with fast-growth business experience.

(D) One member representing a nonprofit business development organization.

(c) The Chancellor of the Oregon University System shall appoint one member representing the system who shall be a current or former business leader.

(d) The Director of the Oregon Business Development Department shall appoint:

(A) One member representing the department.

(B) One member representing a small business development center who shall be a current or former business leader.

(e) The Department of Community Colleges and Workforce Development shall appoint one member representing the community colleges in this state.

(f) The Governor shall appoint:

(A) Two members who are currently principals of Oregon-based companies, or have been principals of Oregon-based companies within the past five years; and

(B) Two members who represent trade associations.

(g) At least two of the nonlegislative members appointed should have knowledge of advanced market research tools and their application.

(2) The council shall:

(a) Identify and assess Oregon's continuum of business development services with particular attention to the needs of stage two, high-growth businesses, advanced market research, including but not limited to connectivity among business service providers, and infrastructure to support entrepreneurship and growth company capacity building.

(b) Collaborate with state and local governments and their departments, community colleges, institutions of higher education and business and economic development organizations to identify areas for program modification, enhancement, coordination and creation to deliver a more robust continuum of services for stage two, high-growth businesses consistent with the principles of economic gardening.

(c) Make recommendations to the Seventy-seventh Legislative Assembly for program modification, enhancement, coordination and creation to deliver a more robust continuum of services for stage two, high-growth businesses consistent with the principles of economic gardening.

(d) Recommend program areas in which Oregon University System graduate programs and community colleges may choose to participate in order to assist in providing a more robust continuum of services for stage two, high-growth businesses consistent with the principles of economic gardening, including but not limited to courses of study and internships.

(e) Make recommendations for criteria for stage two, high-growth businesses as the criteria relate to recommended strategies for fast-growth stage-two business development.

(f) Make recommendations for key metrics and outcomes to be measured should the state create an economic gardening program.

(g) Make recommendations for how an economic gardening program may fit within efforts under way to support the development of the state's minority, women and emerging small business enterprises.

(h) Explore opportunities for connecting market research and economic gardening services to capital access programs, including but not limited to the Building Opportunities for Oregon Small Business Today (BOOST) Account.

(i) Explore opportunities for facilitating the access of stage two, high-growth businesses to international markets.

(j) Advise the Oregon Business Development Department or other administering entity on a pilot program providing economic gardening services, if such a pilot program is authorized.

(3) A majority of the members of the council constitutes a quorum for the transaction of business.

(4) Official action by the council requires the approval of a majority of the members of the council.

(5) The council shall elect one of its members to serve as chairperson.

(6) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(7)(a) The council shall meet at least once every three months, at times and places specified by the call of the chairperson or of a majority of the members of the council.

(b) The Grow Oregon Council shall cease meeting once the council:

(A) Completes its evaluation of the implementation of the pilot program providing economic gardening services, if such a program is authorized; or

(B) Recommends against implementation of a pilot program.

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

(9) Notwithstanding ORS 171.072, members of the council who are members of the Legislative Assembly are not entitled to mileage expenses or a per diem and serve as volunteers on the council. Other members of the council are not entitled to compensation or reimbursement for expenses and serve as volunteers on the council.

(10) All agencies of state government, as defined in ORS 174.111, are directed to assist the council in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the council consider necessary to perform their duties. [2010 c.90 §1; 2011 c.373 §1]

**Sec. 2. Oregon Stage Two Business Development and Economic Gardening Fund.** (1) The Oregon Stage Two Business Development and Economic Gardening Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Stage Two Business Development and Economic Gardening Fund shall be credited to the fund. Moneys in the fund are continuously appropriated to the Oregon Business Development Department for the purposes of carrying out the duties of the Grow Oregon Council. The council may advise the department on specific means for expending any moneys in the fund.

(2) The Oregon Business Development Department may accept grants, donations, contributions or gifts from any source for deposit in the Oregon Stage Two Business Development and Economic Gardening Fund established in subsection (1) of this section for the purpose of enabling the Grow Oregon Council to carry out the council's duties under section 1, chapter 90, Oregon Laws 2010. [2010 c.90 §2; 2011 c.373 §2]

**Sec. 3.** (1) Section 1, chapter 90, Oregon Laws 2010, is repealed on January 2, 2016.

(2) Upon the repeal of section 1, chapter 90, Oregon Laws 2010, all funds within the Oregon Stage Two Business Development and Economic Gardening Fund shall be transferred to the General Fund. [2010 c.90 §3; 2011 c.373 §3]

**Note:** Section 1, chapter 198, Oregon Laws 2011, provides:

**Sec. 1. Business Ombudsman position; report.**

(1) The Oregon Business Development Department, in consultation with the Governor's office and other state agencies, shall explore the feasibility of establishing a position of Business Ombudsman within state government.

(2) In considering the duties to be performed and information to be provided by a Business Ombudsman, the department shall explore the feasibility of requiring a Business Ombudsman to provide and maintain on the department's website, or the website of another state agency, the following information:

(a) The name of, contact information of and description of services provided by each appropriate state

agency or technical service provider that provides assistance to new or prospective small businesses;

(b) The name, contact information and description of duties of state agencies that perform regulatory and permitting activities that affect new or prospective small businesses; and

(c) Methods by which new, prospective or established businesses may note questions or complaints that arise in the course of doing business in this state or with public entities in this state.

(3) The department shall report to the Legislative Assembly in the manner provided by ORS 192.245 no later than the date of the convening of the 2013 regular session of the Legislative Assembly as specified in ORS 171.010. The report shall describe the department's conclusions regarding the feasibility of establishing a position of Business Ombudsman within state government and of requiring a Business Ombudsman to maintain the information described in this section on the website of the department or another state agency. [2011 c.198 §1]

**284.750** [1987 c.911 §3; 1993 c.744 §14; 1997 c.631 §433; repealed by 2005 c.80 §7]

**284.755** [1987 c.911 §§1,2; 1989 c.501 §1; 1997 c.631 §434; repealed by 2005 c.80 §7]

**284.760** [1987 c.911 §4; 1997 c.631 §435; repealed by 2005 c.80 §7]

**284.765** [1987 c.911 §5; 1997 c.631 §436; repealed by 2005 c.80 §7]

**284.770** [1987 c.911 §6; repealed by 2005 c.80 §7]

**284.775** [1987 c.911 §9; repealed by 2005 c.80 §7]

**284.780** [1987 c.911 §10; 1997 c.631 §437; repealed by 2005 c.80 §7]

**284.785** [1987 c.911 §11; repealed by 2005 c.80 §7]

**284.790** [1987 c.911 §12; 1993 c.18 §49; 1997 c.631 §438; repealed by 2005 c.80 §7]

**284.795** [1987 c.911 §13; repealed by 2005 c.80 §7]

**284.800** [Formerly 447.800; 1991 c.11 §15; renumbered 285.253 in 1991]

**284.805** [Formerly 447.805; renumbered 285.255 in 1991]

**284.810** [Formerly 447.810; renumbered 285.257 in 1991]

**284.815** [Formerly 447.815; 1991 c.11 §16; renumbered 285.260 in 1991]

**284.820** [Formerly 447.820; repealed by 1991 c.11 §19]

**284.825** [Formerly 447.825; repealed by 1991 c.11 §19]

**284.831** [Formerly 447.831; repealed by 1991 c.11 §19]

**284.834** [Formerly 447.834; repealed by 1991 c.11 §19]

**284.835** [Formerly 447.835; repealed by 1991 c.11 §19]

**284.840** [Formerly 447.840; repealed by 1991 c.11 §19]

**284.845** [Formerly 447.845; repealed by 1991 c.11 §19]

**284.850** [Formerly 447.850; repealed by 1991 c.11 §19]

**284.855** [Formerly 447.855; repealed by 1991 c.11 §19]

**284.860** [Formerly 447.860; repealed by 1991 c.11 §19]

**284.865** [Formerly 447.865; repealed by 1991 c.11 §19]

**284.875** [Formerly 447.875; repealed by 1991 c.11 §19]

**284.880** [Formerly 447.880; repealed by 1991 c.11 §19]

**284.895** [Formerly 182.815; renumbered 285.250 in 1991]

