

# House Bill 2065

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Economic Development)

## SUMMARY

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

Establishes duties, rights and obligations of Lieutenant Governor.  
Takes effect only upon approval by people of House Joint Resolution 3 (2007).

## A BILL FOR AN ACT

1  
2 Relating to Lieutenant Governor; creating new provisions; amending ORS 171.130, 171.133, 171.735,  
3 176.250, 236.320, 240.185, 240.205, 244.020, 244.045, 244.050, 249.002, 249.056, 254.545, 254.555,  
4 254.575, 254.650, 254.660, 258.036, 258.055, 260.005, 260.076, 279.855, 285A.131, 285A.133, 291.272,  
5 292.010, 292.313, 292.316, 292.430, 292.930, 357.835, 401.055, 461.180 and 805.220; and prescribing  
6 an effective date.

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

8 **SECTION 1.** (1) **The term of office of the Lieutenant Governor commences upon the**  
9 **publication of the returns by the Speaker of the House of Representatives, as provided in**  
10 **section 4, Article V of the Oregon Constitution.**

11 (2) **In case of an election of the Lieutenant Governor by the Legislative Assembly, as**  
12 **provided in section 5 (2), Article V of the Oregon Constitution, the term of office of the**  
13 **Lieutenant Governor commences immediately upon the election.**

14 (3) **The Lieutenant Governor shall be inaugurated by taking the oath of office.**

15 **SECTION 2.** **The term of office of the Lieutenant Governor ceases when the successor**  
16 **of the Lieutenant Governor is inaugurated by taking the oath of office.**

17 **SECTION 3.** (1) **The person elected to the office of Lieutenant Governor may take any**  
18 **action before the term of office commences that is necessary to enable the Lieutenant Gov-**  
19 **ernor to exercise the powers and duties of the office of Lieutenant Governor when the term**  
20 **commences.**

21 (2) **All necessary expenses of the Lieutenant Governor-elect incurred in carrying out this**  
22 **section must be audited by the Secretary of State and may be paid from funds appropriated**  
23 **for that purpose in the same manner as other claims against the state are paid.**

24 **SECTION 4.** ORS 171.130 is amended to read:

25 171.130. (1) **As used in this section, "state agency" means every state agency for which**  
26 **the costs of the agency are paid in whole or in part from funds held in the State Treasury,**  
27 **except:**

28 (a) **The Legislative Assembly, the courts and their officers and committees;**

29 (b) **The Public Defense Services Commission; and**

30 (c) **The Governor, the Lieutenant Governor, the Secretary of State, the State Treasurer,**  
31 **the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Su-**

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

1 **perintendent of Public Instruction.**

2 [(1)] (2) At any time in advance of any regular or special session of the Legislative Assembly  
3 fixed by the Legislative Counsel Committee, or at any time in advance of a special session [*as may*  
4 *be*] fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed  
5 legislative measure with the Legislative Counsel:

6 (a) Members who will serve in the session and members-elect.

7 (b) Interim and statutory committees of the Legislative Assembly.

8 [(2)] (3) On or before December 15 of the year preceding a regular legislative session, or at any  
9 time in advance of a special session as may be fixed by joint rules of both houses of the Legislative  
10 Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

11 (a) The Oregon Department of Administrative Services, to implement the fiscal recommendations  
12 of the Governor contained in the budget report of the Governor.

13 (b) The person who will serve as Governor during the session.

14 (c) The **Lieutenant Governor**, the Secretary of State, the State Treasurer, the Attorney Gen-  
15 eral, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public In-  
16 struction.

17 (d) The Judicial Department.

18 [(3)] (4) Notwithstanding subsection [(2)] (3) of this section, a statewide elected official who ini-  
19 tially assumes office in January of an odd-numbered year may submit proposed measures for intro-  
20 duction by members or committees of the Legislative Assembly until the calendar day designated  
21 by rules of either house of the Legislative Assembly. The exemption granted by this subsection to  
22 a newly elected Governor does not apply to state agencies in the executive branch.

23 [(4)] (5) On or before December 15 of the year preceding a regular legislative session, a state  
24 agency may file a proposed legislative measure with the Legislative Counsel through a member or  
25 committee of the Legislative Assembly.

26 [(5)] (6) The Legislative Counsel shall [*order*] **arrange for the printing of** each measure filed  
27 pursuant to [*subsections (1) to (4) of*] this section [*prepared for printing and may order the measure*  
28 *printed. If the person filing a measure specifically requests in writing that the measure be made*  
29 *available for distribution, the Legislative Counsel shall order the measure printed and shall make*  
30 *copies of the printed measure available for distribution before the beginning of the session to members*  
31 *and members-elect and to others upon request*].

32 [(6)] (7) Copies of all measures filed and [*prepared for printing or*] printed pursuant to this sec-  
33 tion shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the  
34 person filing the measure for introduction.

35 [(7)] (8) The costs of carrying out this section shall be paid out of the money appropriated for  
36 the expenses of that session of the Legislative Assembly for which the measure is to be printed.

37 [(8)] (9) The Legislative Counsel Committee may adopt rules or policies to accomplish the pur-  
38 pose of this section.

39 [(9) *This section does not affect any law or any rule of the Legislative Assembly or either house*  
40 *thereof relating to the introduction of legislative measures.*]

41 **SECTION 5.** ORS 171.133 is amended to read:

42 171.133. [(1)] A state agency [*shall*] **as defined in ORS 171.130 may** not cause a [*bill or*] measure  
43 to be introduced before the Legislative Assembly if the [*bill or*] **Governor has not approved the**  
44 measure [*has not been approved by the Governor*].

45 [(2) *As used in ORS 171.130 and this section, "state agency" means every state agency whose costs*

1 *are paid wholly or in part from funds held in the State Treasury, except:]*

2 *[(a) The Legislative Assembly, the courts and their officers and committees;]*

3 *[(b) The Public Defense Services Commission; and]*

4 *[(c) The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the*  
5 *Bureau of Labor and Industries and the Superintendent of Public Instruction.]*

6 **SECTION 6.** ORS 171.735 is amended to read:

7 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

8 (1) News media, or their employees or agents, that in the ordinary course of business directly  
9 or indirectly urge legislative action but that engage in no other activities in connection with the  
10 legislative action.

11 (2) Any legislative official acting in an official capacity.

12 (3) Any individual who receives no compensation or reimbursement of expenses for lobbying,  
13 who limits lobbying activities solely to formal appearances to give testimony before public sessions  
14 of committees of the Legislative Assembly, or public hearings of state agencies, and who, when  
15 testifying, registers an appearance in the records of the committees or agencies.

16 (4) A person who spends not more than 24 hours during any calendar quarter lobbying and who  
17 does not spend an amount in excess of \$100 lobbying during any calendar quarter.

18 (5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, **Lieu-**  
19 **tenant Governor**, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040,  
20 State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, Attorney Gen-  
21 eral, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public In-  
22 struction, Commissioner of the Bureau of Labor and Industries and any judge.

23 **SECTION 7.** ORS 176.250 is amended to read:

24 176.250. (1) Notwithstanding any provision of the Oregon Rules of Civil Procedure or other laws  
25 of this state, service of subpoena upon the Governor shall be made by delivering a copy to the legal  
26 counsel to the Governor or, in the legal counsel's absence, an assistant to the Governor.

27 **(2) Notwithstanding any provision of the Oregon Rules of Civil Procedure or other laws**  
28 **of this state, service of subpoena upon the Lieutenant Governor shall be made by delivering**  
29 **a copy to an assistant to the Lieutenant Governor.**

30 **SECTION 8.** ORS 236.320 is amended to read:

31 236.320. Resignation shall be made as follows:

32 (1) By the **Lieutenant Governor**, Secretary of State[,] **and** State Treasurer and all officers  
33 elected by the legislature, to the Governor.

34 (2) By all officers who hold their offices by election, to the officer authorized by law to order  
35 a special election to fill the resulting vacancy.

36 (3) By all other officers holding their offices by appointment, to the body, board or officer that  
37 appointed them.

38 **SECTION 9.** ORS 240.185 is amended to read:

39 240.185. (1) *[On and after January 1, 1984,]* The number of persons employed by the state shall  
40 not exceed 1.5 percent of the state's population of the prior year.

41 (2) The population figure shall be that required by ORS 190.510 to 190.610.

42 (3) This section applies to all full-time equivalent budgeted positions.

43 (4) This section does not apply to:

44 **(a) Employees in the offices of the Governor, the Lieutenant Governor, the Secretary of**  
45 **State, the State Treasurer, the Supreme Court or the Legislative Assembly in the conduct of duties**

1 vested in any of them by the Oregon Constitution. [*However, this exception applies only to the office*  
 2 *of the Governor and not to the executive branch of government.*]

3 [(5) *This section does not apply to*

4 (b) Personnel who administer unemployment insurance benefits programs of the Employment  
 5 Department, to personnel who administer programs required to be implemented as a condition for  
 6 the continued certification of the Employment Division Law by the United States Secretary of Labor  
 7 or to personnel who administer programs implemented by the United States Department of Labor  
 8 under federal law if the state is required to enter into contracts to provide [*such*] **the** programs.

9 [(6) *This section does not apply to*

10 (c) Personnel whose positions are funded by the gifts, grants and contracts program in the De-  
 11 partment of Higher Education.

12 [(7)] (5) In order to assess the effect of subsection (1) of this section, the Oregon Department  
 13 of Administrative Services by December 31 of each even-numbered year shall conduct a workload  
 14 analysis of each state agency, regardless of whether the agency is exempt from the application of  
 15 subsection (1) of this section. The workload analysis of each agency shall be submitted to the Leg-  
 16 islative Assembly prior to [*its*] **the convening of the Legislative Assembly** in regular session and  
 17 shall accompany the agency's budget request before the Joint Ways and Means Committee.

18 **SECTION 10.** ORS 240.205 is amended to read:

19 240.205. The unclassified service shall comprise:

20 (1) One executive officer and one secretary for each board or commission, the members of which  
 21 are elected officers or are appointed by the Governor.

22 (2) The director of each department of state government, each full-time salaried head of a state  
 23 agency required by law to be appointed by the Governor and each full-time salaried member of a  
 24 board or commission required by law to be appointed by the Governor.

25 (3) The administrator of each division within a department of state government required by law  
 26 to be appointed by the director of the department with the approval of the Governor.

27 (4) Principal assistants and deputies and one private secretary for each executive or adminis-  
 28 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"  
 29 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to  
 30 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.  
 31 "Principal assistant" means a manager of a major agency organizational component who reports  
 32 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or  
 33 deputy and who is designated as such by that executive or administrative officer with the approval  
 34 of the Director of the Oregon Department of Administrative Services.

35 (5) Employees in the Governor's office and **the Lieutenant Governor's office** and the principal  
 36 assistant and private secretary in the Secretary of State's division.

37 (6) The deans, professors, principals, instructors and teachers in facilities operated under ORS  
 38 346.010.

39 (7) Apprentice trainees only during the prescribed length of their course of training.

40 (8) Licensed physicians and dentists employed in their professional capacities and student  
 41 nurses, interns, and patient or inmate help in state institutions.

42 (9) Lawyers employed in their professional capacities.

43 (10) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

44 (11) Deputy superintendents and associate superintendents in the Department of Education.

45 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or

1 harvesting.

2 (13) Any individual employed and paid from federal funds received under the Emergency Job and  
 3 Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal pro-  
 4 gram intended primarily to alleviate unemployment. However, persons employed under this sub-  
 5 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

6 (14) Managers, department heads, directors, producers and announcers of the state radio and  
 7 television network.

8 (15) Employees, including managers, of the foreign trade offices of the Economic and Community  
 9 Development Department located outside the country.

10 (16) Any other position designated by law as unclassified.

11 **SECTION 11.** ORS 244.020 is amended to read:

12 244.020. As used in this chapter, unless the context requires otherwise:

13 (1) "Actual conflict of interest" means any action or any decision or recommendation by a per-  
 14 son acting in a capacity as a public official, the effect of which would be to the private pecuniary  
 15 benefit or detriment of the person or the person's relative or any business with which the person  
 16 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-  
 17 cumstances described in subsection (14) of this section.

18 (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise,  
 19 association, organization, self-employed individual and any other legal entity operated for economic  
 20 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section  
 21 501(c) of the Internal Revenue Code with which a public official or a relative of the public official  
 22 is associated only as a member or board director or in a nonremunerative capacity.

23 (3) "Business with which the person is associated" means:

24 (a) Any private business or closely held corporation of which the person or the person's relative  
 25 is a director, officer, owner or employee, or agent or any private business or closely held corpo-  
 26 ration in which the person or the person's relative owns or has owned stock, another form of equity  
 27 interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding cal-  
 28 endar year;

29 (b) Any publicly held corporation in which the person or the person's relative owns or has  
 30 owned \$100,000 or more in stock or another form of equity interest, stock options or debt instru-  
 31 ments at any point in the preceding calendar year;

32 (c) Any publicly held corporation of which the person or the person's relative is a director or  
 33 officer; or

34 (d) For public officials required to file a statement of economic interest under ORS 244.050, any  
 35 business from which 50 percent or more of the total annual income of the person and members of  
 36 the person's household is derived during the current calendar year.

37 (4) "Commission" means the Oregon Government Standards and Practices Commission.

38 (5) "Development commission" means any entity which has the authority to purchase, develop,  
 39 improve or lease land or the authority to operate or direct the use of land. This authority must be  
 40 more than ministerial.

41 (6) "Expenditure" has the meaning given that term in ORS 260.005.

42 (7) "Gift" means something of economic value given to a public official or the public official's  
 43 relative without valuable consideration of equivalent value, including the full or partial forgiveness  
 44 of indebtedness, which is not extended to others who are not public officials or the relatives of  
 45 public officials on the same terms and conditions; and something of economic value given to a public

1 official or the public official's relative for valuable consideration less than that required from others  
 2 who are not public officials. However, "gift" does not mean:

3 (a) Campaign contributions, as described in ORS chapter 260.

4 (b) Gifts from family members.

5 (c) The giving or receiving of food, lodging and travel when participating in an event which  
 6 bears a relationship to the public official's office and when appearing in an official capacity, subject  
 7 to the reporting requirement of ORS 244.060 (6).

8 (d) The giving or receiving of food or beverage if the food or beverage is consumed by the public  
 9 official or the public official's relatives in the presence of the purchaser or provider thereof.

10 (e) The giving or receiving of entertainment if the entertainment is experienced by the public  
 11 official or the public official's relatives in the presence of the purchaser or provider thereof and the  
 12 value of the entertainment does not exceed \$100 per person on a single occasion and is not greater  
 13 than \$250 in any one calendar year.

14 (8) "Honoraria" means a payment or something of economic value given to a public official in  
 15 exchange for services upon which custom or propriety prevents the setting of a price. Services in-  
 16 clude, but are not limited to, speeches or other services rendered in connection with an event at  
 17 which the public official appears in an official capacity.

18 (9) "Income" means income of any nature derived from any source, including, but not limited to,  
 19 any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness  
 20 of indebtedness, or anything of economic value.

21 (10) "Legislative or administrative interest" means an economic interest, distinct from that of  
 22 the general public, in one or more bills, resolutions, regulations, proposals or other matters subject  
 23 to the action or vote of a person acting in the capacity of a public official.

24 (11) "Legislative official" means any member or member-elect of the Legislative Assembly, any  
 25 member of an agency, board or committee that is part of the legislative branch and any staff person,  
 26 assistant or employee thereof.

27 (12) "Member of household" means any relative who resides with the public official.

28 (13) "Planning commission" means a county planning commission created under ORS chapter 215  
 29 or a city planning commission created under ORS chapter 227.

30 (14) "Potential conflict of interest" means any action or any decision or recommendation by a  
 31 person acting in a capacity as a public official, the effect of which could be to the private pecuniary  
 32 benefit or detriment of the person or the person's relative, or a business with which the person or  
 33 the person's relative is associated, unless the pecuniary benefit or detriment arises out of the fol-  
 34 lowing:

35 (a) An interest or membership in a particular business, industry, occupation or other class re-  
 36 quired by law as a prerequisite to the holding by the person of the office or position.

37 (b) Any action in the person's official capacity which would affect to the same degree a class  
 38 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or  
 39 other group including one of which or in which the person, or the person's relative or business with  
 40 which the person or the person's relative is associated, is a member or is engaged. The commission  
 41 may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller  
 42 classes that qualify under this exception.

43 (c) Membership in or membership on the board of directors of a nonprofit corporation that is  
 44 tax-exempt under section 501(c) of the Internal Revenue Code.

45 (15) "Public official" means any person who, when an alleged violation of this chapter occurs,

1 is serving the State of Oregon or any of its political subdivisions or any other public body of the  
 2 state as an officer, employee, agent or otherwise, and irrespective of whether the person is com-  
 3 pensated for such services.

4 (16) "Relative" means the spouse of the public official, any children of the public official or of  
 5 the public official's spouse, and brothers, sisters or parents of the public official or of the public  
 6 official's spouse.

7 (17) "Statement of economic interest" means a statement as described by ORS 244.060 to 244.080.

8 (18) "Statewide official" means the **Lieutenant Governor or Lieutenant Governor-elect**,  
 9 Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superinten-  
 10 dent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attor-  
 11 ney General-elect and the Commissioner of the Bureau of Labor and Industries or the  
 12 Commissioner-elect of the Bureau of Labor and Industries.

13 (19) "Zoning commission" means an entity to which is delegated at least some of the discre-  
 14 tionary authority of a planning commission or governing body relating to zoning and land use mat-  
 15 ters.

16 **SECTION 12.** ORS 244.045 is amended to read:

17 244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Depart-  
 18 ment of Consumer and Business Services, the Administrator of the Division of Finance and Corpo-  
 19 rate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor  
 20 Control Commission or the Director of the Oregon State Lottery [*shall*] **may** not:

21 (a) Within one year after the public official ceases to hold the position become an employee of  
 22 or receive any financial gain, other than reimbursement of expenses, from any private employer  
 23 engaged in the activity, occupation or industry over which the former public official had authority;  
 24 or

25 (b) Within two years after the public official ceases to hold the position:

26 (A) Be a lobbyist for or appear as a representative before the agency over which the person  
 27 exercised authority as a public official;

28 (B) Influence or try to influence the actions of the agency; or

29 (C) Disclose any confidential information gained as a public official.

30 (2) A person who has been a Deputy Attorney General or an assistant attorney general [*shall*]  
 31 **may** not, within two years after the person ceases to hold the position, lobby or appear before an  
 32 agency that the person represented while employed by the Department of Justice.

33 (3) A person who has been the State Treasurer or the Chief Deputy State Treasurer [*shall*] **may**  
 34 not, within one year after ceasing to hold office:

35 (a) Accept employment from or be retained by any private entity with whom the office of the  
 36 State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract  
 37 providing for payment by the state of at least \$25,000 in any single year during the term of office  
 38 of the treasurer;

39 (b) Accept employment from or be retained by any private entity with whom the office of the  
 40 State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in  
 41 any single year during the term of office of the treasurer; or

42 (c) Be a lobbyist for an investment institution, manager or consultant, or appear before the of-  
 43 fice of the State Treasurer or Oregon Investment Council as a representative of an investment in-  
 44 stitution, manager or consultant.

45 (4) A public official who as part of the official's duties invested public funds [*shall*] **may** not

1 within two years after the public official ceases to hold the position:

2 (a) Be a lobbyist or appear as a representative before the agency, board or commission for which  
3 the former public official invested public funds;

4 (b) Influence or try to influence the agency, board or commission; or

5 (c) Disclose any confidential information gained as a public official.

6 (5)(a) A person who has been a member of the Department of State Police, who has held a po-  
7 sition with the department with the responsibility for supervising, directing or administering pro-  
8 grams relating to gaming by a Native American tribe or the Oregon State Lottery and who has been  
9 designated by the Superintendent of State Police by rule [*shall*] **may** not, within one year after the  
10 member of the Department of State Police ceases to hold the position:

11 (A) Accept employment from or be retained by or receive any financial gain related to gaming  
12 from the Oregon State Lottery or any Native American tribe;

13 (B) Accept employment from or be retained by or receive any financial gain from any private  
14 employer selling or offering to sell gaming products or services;

15 (C) Influence or try to influence the actions of the Department of State Police; or

16 (D) Disclose any confidential information gained as a member of the Department of State Police.

17 (b) This subsection does not apply to:

18 (A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a  
19 Tribal Gaming Commissioner or regulatory agent thereof;

20 (B) Contracting with the Oregon State Lottery as a lottery game retailer;

21 (C) Financial gain received from personal gaming activities conducted as a private citizen; or

22 (D) Subsequent employment in any capacity by the Department of State Police.

23 (c) As used in this subsection, "Native American tribe" means any recognized Native American  
24 tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public  
25 Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

26 **(6) A person who has been the Lieutenant Governor may not, within one year after**  
27 **ceasing to hold office, accept employment from or be retained by any person who has re-**  
28 **ceived moneys from or entered into an agreement with the Economic and Community De-**  
29 **velopment Department while the person served as Lieutenant Governor.**

30 **SECTION 13.** ORS 244.050 is amended to read:

31 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
32 Government Standards and Practices Commission a verified statement of economic interest as re-  
33 quired under this chapter:

34 (a) The Governor, **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney General,  
35 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district  
36 attorneys and members of the Legislative Assembly.

37 (b) Any judicial officer, including justices of the peace and municipal judges, except municipal  
38 judges in those cities where a majority of the votes cast in the subject city in the 1974 general  
39 election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws  
40 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a  
41 judicial officer.

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

43 (d) The Deputy Attorney General.

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



1 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and  
 2 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the  
 3 State Board of Higher Education.

4 (g) The following state officers:

5 (A) Adjutant General.

6 (B) Director of Agriculture.

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

8 (D) Water Resources Director.

9 (E) Director of Department of Environmental Quality.

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

11 (G) State Fish and Wildlife Director.

12 (H) State Forester.

13 (I) State Geologist.

14 (J) Director of Human Services.

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

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

17 (M) State Librarian.

18 (N) Administrator of Oregon Liquor Control Commission.

19 (O) Superintendent of State Police.

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

21 (Q) Director of Department of Revenue.

22 (R) Director of Transportation.

23 (S) Public Utility Commissioner.

24 (T) Director of Veterans' Affairs.

25 (U) Executive Director of Oregon Government Standards and Practices Commission.

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

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

28 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

29 (i) Every elected city or county official except elected officials in those cities or counties where  
 30 a majority of votes cast in the subject city or county in any election on the issue of filing statements  
 31 of economic interest under this chapter was in opposition.

32 (j) Every member of a city or county planning, zoning or development commission except such  
 33 members in those cities or counties where a majority of votes cast in the subject city or county at  
 34 any election on the issue of filing statements of economic interest under this chapter was in oppo-  
 35 sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special ses-  
 36 sion).

37 (k) The chief executive officer of a city or county who performs the duties of manager or prin-  
 38 cipal administrator of the city or county except such employees in those cities or counties where a  
 39 majority of votes cast in the subject city or county in an election on the issue of filing statements  
 40 of economic interest under this chapter was in opposition.

41 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

42 (m) Every member of a governing body of a metropolitan service district and the executive of-  
 43 ficer thereof.

44 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

45 (o) The chief administrative officer and the financial officer of each common and union high

1 school district, education service district and community college district.

2 (p) Every member of the following state boards and commissions:

3 (A) Board of Geologic and Mineral Industries.

4 (B) Oregon Economic and Community Development Commission.

5 (C) State Board of Education.

6 (D) Environmental Quality Commission.

7 (E) Fish and Wildlife Commission of the State of Oregon.

8 (F) State Board of Forestry.

9 (G) Oregon Government Standards and Practices Commission.

10 (H) Oregon Health Policy Commission.

11 (I) State Board of Higher Education.

12 (J) Oregon Investment Council.

13 (K) Land Conservation and Development Commission.

14 (L) Oregon Liquor Control Commission.

15 (M) Oregon Short Term Fund Board.

16 (N) State Marine Board.

17 (O) Mass transit district boards.

18 (P) Energy Facility Siting Council.

19 (Q) Board of Commissioners of the Port of Portland.

20 (R) Employment Relations Board.

21 (S) Public Employees Retirement Board.

22 (T) Oregon Racing Commission.

23 (U) Oregon Transportation Commission.

24 (V) Wage and Hour Commission.

25 (W) Water Resources Commission.

26 (X) Workers' Compensation Board.

27 (Y) Oregon Facilities Authority.

28 (Z) Oregon State Lottery Commission.

29 (AA) Pacific Northwest Electric Power and Conservation Planning Council.

30 (BB) Columbia River Gorge Commission.

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

32 (q) The following officers of the State Treasury:

33 (A) Chief Deputy State Treasurer.

34 (B) Executive Assistant to the State Treasurer.

35 (C) Director of the Investment Division.

36 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
37 and 777.915 to 777.953.

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

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

44 (4) Within 30 days after the filing deadline for the general election, each candidate for elective  
45 public office described in subsection (1) of this section who was not a candidate in the preceding

1 primary election, or who was nominated for elective public office described in subsection (1) of this  
 2 section at the preceding primary election by write-in votes, shall file with the commission a state-  
 3 ment of economic interest as required under ORS 244.060, 244.070 and 244.090.

4 (5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter.

5 (6) Subsections (1) to (5) of this section apply only to persons who are incumbent, elected or  
 6 appointed officials as of April 15 and to persons who are candidates for office on April 15. Those  
 7 sections also apply to persons who do not become candidates until 30 days after the filing deadline  
 8 for the statewide general election.

9 (7)(a) Failure to file the statement required by this section subjects a person to a civil penalty  
 10 that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not  
 11 require the Oregon Government Standards and Practices Commission to follow the procedures in  
 12 ORS 244.260 before finding that a violation of this section has occurred.

13 (b) Failure to file the required statement in timely fashion shall be prima facie evidence of a  
 14 violation of this section.

15 (c) If within five days after the date on which the statement is to be filed under this section the  
 16 statement has not been received by the commission, the commission shall notify the public official  
 17 and give the public official not less than 15 days to comply with the requirements of this section.  
 18 If the public official fails to comply by the date set by the commission, the commission may impose  
 19 a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission.  
 20 The maximum penalty that may be accrued under this section is \$1,000.

21 (d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions  
 22 that may be imposed under ORS 244.380.

23 **SECTION 14.** ORS 249.002 is amended to read:  
 24 249.002. As used in this chapter:

25 (1) "Candidate" means an individual whose name is or is expected to be printed on the official  
 26 ballot.

27 (2) "County clerk" means the county clerk or the county official in charge of elections.

28 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-  
 29 tution.

30 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon  
 31 Tax Court[, or any county judge who exercises judicial functions].

32 (5) "Member" means an individual who is registered as being affiliated with the political party.

33 (6) "Minor political party" means a political party that has qualified as a minor political party  
 34 under ORS 248.008.

35 (7) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, Com-  
 36 missioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district  
 37 under ORS chapter 268, justice of the peace, county clerk, county assessor, **county judge**, county  
 38 surveyor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home  
 39 rule charter.

40 (8) "Prospective petition" means the information, except signatures and other identification of  
 41 petition signers, required to be contained in a completed petition.

42 (9) "Public office" means any national, state, county, city or district office or position, except  
 43 a political party office, filled by the electors.

44 (10) "State office" means Governor, **Lieutenant Governor**, Secretary of State, State Treasurer,  
 45 Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public

1 Instruction, judge, state Senator, state Representative or district attorney.

2 **SECTION 15.** ORS 249.056 is amended to read:

3 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices  
4 shall pay to the officer with whom the declaration is filed the following fee:

5 (a) United States Senator, \$150.

6 (b) Governor, **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney General,  
7 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Repre-  
8 sentative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or  
9 executive officer or auditor of a metropolitan service district, \$100.

10 (c) County office, district attorney or circuit court judge, \$50.

11 (d) State Senator or Representative or councilor of a metropolitan service district under ORS  
12 chapter 268, \$25.

13 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct com-  
14 mitteeperson or justice of the peace.

15 **SECTION 16.** ORS 254.545 is amended to read:

16 254.545. Subject to ORS 254.548, the county clerk:

17 (1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for  
18 [election] **elections** of Governor **and Lieutenant Governor** shall be on a sheet separate from the  
19 abstracts for other offices and measures.

20 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county  
21 for each office, candidate for office and measure. The county clerk shall sign and certify this record.

22 (3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other  
23 than county offices to the appropriate elections officials. The abstract for [election] **elections** of  
24 Governor **and Lieutenant Governor** shall be delivered separately to the Secretary of State as  
25 provided in section 4, Article V, Oregon Constitution.

26 (4) Not later than the 30th day after the election, shall proclaim which county measure is par-  
27 amount, if two or more approved county measures contain conflicting provisions.

28 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having  
29 the most votes for nomination for or election to county or precinct offices.

30 (6) Shall prepare, and file with the county governing body, a certificate stating the compensation  
31 to which the board clerks are entitled. The county governing body shall order the compensation paid  
32 by county funds.

33 **SECTION 17.** ORS 254.555 is amended to read:

34 254.555. (1) Except as provided in ORS 254.548, not later than the 30th day after any election,  
35 the Secretary of State, regarding offices for which the secretary receives filings for nomination,  
36 shall:

37 (a) Canvass the votes for the offices, except the [office] **offices** of Governor **and Lieutenant**  
38 **Governor** after the general election.

39 (b) Enter in a register of nominations after the primary election the name and, if applicable,  
40 major political party of each candidate nominated, the office for which the candidate is nominated,  
41 and the date of entry.

42 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most  
43 votes for nomination for or election to the office. The Secretary of State shall sign the certificate  
44 under the seal of the state.

45 (d) Issue a proclamation declaring the election of candidates to the offices.

1 (2) Not later than the 30th day after the election:

2 (a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall  
3 canvass the votes for each measure.

4 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each  
5 such measure, and declaring the approved measures as the law on the effective date of the measure.  
6 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which  
7 is paramount.

8 **SECTION 18.** ORS 254.575 is amended to read:

9 254.575. When two or more candidates for the same office, after a full recount of votes, have an  
10 equal and the highest number of votes:

11 (1) For election to state Senator or Representative, a party office, or a public office for which  
12 the elections officer is other than the Secretary of State, the elections officer shall have the candi-  
13 dates meet publicly to decide by lot who is elected.

14 (2) For election to a public office other than Governor, **Lieutenant Governor** or those referred  
15 to in subsection (1) of this section, the Secretary of State by proclamation shall order a new election  
16 to fill the office.

17 (3) For election to Governor **or Lieutenant Governor**, the Legislative Assembly at the begin-  
18 ning of the next regular session shall meet jointly and elect one of the candidates **for the office**.

19 (4) For nomination by one major political party to an office, the elections officer who receives  
20 filings for nomination to the office shall have the candidates meet publicly to decide by lot who is  
21 nominated.

22 **SECTION 19.** ORS 254.650 is amended to read:

23 254.650. (1) If the Secretary of State determines that a vacancy exists in the nomination of a  
24 candidate of a major political party for state office, that the vacancy is due to the death of the  
25 candidate and that the vacancy occurred after the 30th day before the date of the general election:

26 (a) The election for that state office may not be held at the general election;

27 (b) The county clerks may not count ballots cast for candidates for that state office at the  
28 general election; and

29 (c) The Secretary of State shall order a special election as provided in ORS 254.655.

30 (2) The candidates listed on the ballot at the special election shall be:

31 (a) The candidates who were listed on the general election ballot, other than the candidate  
32 whose nomination became vacant; and

33 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or  
34 249.205.

35 (3) As used in this section, "state office" means the office of Governor, **Lieutenant Governor**,  
36 Secretary of State, State Treasurer, Attorney General, state Senator or state Representative.

37 **SECTION 20.** ORS 254.660 is amended to read:

38 254.660. (1) Notwithstanding ORS 253.045 and 253.065, for a special election called under ORS  
39 254.655, long-term absentee ballots shall be mailed not later than the 30th day before the date of the  
40 election. County clerks shall make other absentee ballots available not later than the 28th day be-  
41 fore the date of the special election.

42 (2) Notwithstanding ORS 254.545, not later than 5 p.m. of the third day after the date of the  
43 special election, the county clerk shall deliver to the Secretary of State a copy of the abstracts for  
44 the offices voted upon at the special election. The abstract for [election] **elections** of Governor **and**  
45 **Lieutenant Governor** shall be delivered separately to the secretary as provided in section 4, Arti-

1 cle V of the Oregon Constitution.

2 (3) Notwithstanding ORS 253.135, not later than 5 p.m. of the first day after the date of the  
 3 special election, a county clerk who received a ballot originating in another county shall forward  
 4 the ballot by overnight mail or delivery or by the most expeditious means available to the county  
 5 clerk of the county from which the ballot originated.

6 (4) Notwithstanding ORS 254.555, not later than 5 p.m. of the fourth business day after the date  
 7 of the special election, the Secretary of State shall issue a proclamation declaring the election of  
 8 candidates to offices or shall order recounts of the votes cast as provided in ORS 258.280.

9 (5)(a) Notwithstanding ORS 258.161, a recount may not be conducted for any special election  
 10 under this section unless the recount is required by ORS 258.280.

11 (b) If a recount for any special election is required by ORS 258.280, the Secretary of State shall  
 12 complete the recount as expeditiously as possible to minimize disruption to the sessions of the Leg-  
 13 islative Assembly and shall issue a proclamation declaring the election of a candidate to office upon  
 14 completion of the recount.

15 (6) The cost of all special elections called under ORS 254.655 shall be paid by the state.

16 (7) The ballot at a special election described in this section may not contain:

17 (a) Any measure; or

18 (b) Any candidate other than those candidates for which a special election is necessary.

19 (8) If there is a vacancy in the nomination of a candidate at a special election called under ORS  
 20 254.655, the vacancy in the nomination shall be filled in the manner provided in ORS chapter 249  
 21 and the special election shall be held as scheduled.

22 (9) When the office of state Senator or state Representative is vacant at the beginning of a  
 23 session of the Legislative Assembly due to a special election called under ORS 254.655, the vacancy  
 24 may not be filled as provided in ORS 171.051 unless, before entering upon the duties of the office  
 25 to which the person was elected, the person elected at the special election dies, resigns or is de-  
 26 clared disqualified by the house to which the person was elected.

27 (10) The Secretary of State may adopt rules governing the procedures for conducting a special  
 28 election required by ORS 254.650.

29 **SECTION 21.** ORS 258.036 is amended to read:

30 258.036. (1) Not later than the 40th day after the election or the seventh day after completion  
 31 of a recount of votes cast in connection with the nomination, office or measure, any person au-  
 32 thorized to contest a result of the election may file a petition of contest. The petition shall be filed  
 33 with:

34 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate  
 35 for election to the office of elector of President and Vice President of the United States or a can-  
 36 didate for nomination or election to the office of United States Senator, United States Represen-  
 37 tative in Congress, Governor, **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney  
 38 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction  
 39 or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon  
 40 Tax Court.

41 (b) The circuit court for the county where a majority of the electors in the electoral district  
 42 reside if the petition involves a candidate for nomination or election to the office of state Senator,  
 43 state Representative, circuit court judge or district attorney.

44 (c) The circuit court for the county in which the filing officer is located if the petition involves  
 45 a candidate for nomination or election to county, city or district office or a county, city or district

1 measure. If a district is located in more than one county, the petition shall be filed with the circuit  
 2 court for the county in which the administrative office of the district is located.

3 (2) The petition shall be verified in the manner required for verification of complaints in civil  
 4 cases and shall specify:

- 5 (a) The cause of the contest; and
- 6 (b) The names of all contestees.

7 **SECTION 22.** ORS 258.055 is amended to read:

8 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-  
 9 tion of contest with the circuit court described under ORS 258.036 (1), the contestant shall, within  
 10 three business days of filing the petition, publish a notice stating that the petition has been filed  
 11 and identifying the date of the deadline described in this subsection for filing a motion to intervene.  
 12 The notice shall be published at least once in the next available issue of a newspaper of general  
 13 circulation published in the county where the proceeding is pending. Jurisdiction over the election  
 14 contest shall be complete within 10 days after the notice is published as provided in this section.  
 15 Any person interested may at any time before the expiration of the 10 days appear and contest the  
 16 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

17 (2) Subsection (1) of this section does not apply if the contest involves a state measure, the  
 18 election of a candidate to the office of elector of President and Vice President of the United States  
 19 or the nomination or election of a candidate to the office of United States Senator, United States  
 20 Representative in Congress, Governor, **Lieutenant Governor**, Secretary of State, State Treasurer,  
 21 Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public  
 22 Instruction or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the  
 23 Oregon Tax Court.

24 (3) Not later than two business days after a petition of contest is filed with the circuit court,  
 25 the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secre-  
 26 tary of State or county clerk is not a contestee, not later than one business day after a petition of  
 27 contest is filed with the circuit court, the contestant shall file a copy of the petition with:

- 28 (a) The Secretary of State if the petition involves a candidate for state office or a state measure;
- 29 or
- 30 (b) The county clerk if the petition involves a candidate for county, city or district office or a  
 31 county, city or district measure. As used in this paragraph, "county clerk" includes the county clerk  
 32 of the county in which the administrative office of a city or district is located regarding a measure  
 33 or a candidate for an office to be voted on in a city or district located in more than one county.

34 (4) The circuit court shall fix a time for the hearing by the circuit court of the contest pro-  
 35 ceeding, and not later than the fifth day before the hearing shall give written notice of the hearing  
 36 to each party to the proceeding. In fixing the time for the hearing, the court shall consider the dates  
 37 set in any notice published under subsection (1) of this section and the dates of service on the  
 38 contestees. The contest proceeding shall take precedence over all other business on the circuit court  
 39 docket.

40 (5) The circuit court shall hear and determine the proceeding without a jury and shall issue  
 41 written findings of law and fact. The practice and procedure otherwise applicable to civil cases  
 42 shall govern the proceeding, except that the contestant has the burden of proof by clear and con-  
 43 vincing evidence.

44 **SECTION 23.** ORS 260.005, as amended by section 21, chapter 809, Oregon Laws 2005, is  
 45 amended to read:

1 260.005. As used in this chapter:

2 (1)(a) “Candidate” means:

3 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,  
4 nominating petition or certificate of nomination to public office has been filed or whose name is  
5 expected to be or has been presented, with the individual’s consent, for nomination or election to  
6 public office;

7 (B) An individual who has solicited or received and accepted a contribution, made an expendi-  
8 ture, or given consent to an individual, organization, political party or political committee to solicit  
9 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure  
10 nomination or election to any public office at any time, whether or not the office for which the in-  
11 dividual will seek nomination or election is known when the solicitation is made, the contribution  
12 is received and retained or the expenditure is made, and whether or not the name of the individual  
13 is printed on a ballot; or

14 (C) A public office holder against whom a recall petition has been completed and filed.

15 (b) For purposes of this section and ORS 260.035 to 260.159, “candidate” does not include a  
16 candidate for the office of precinct committeeperson.

17 (2) “Committee director” means any person who directly and substantially participates in  
18 decision-making on behalf of a political committee concerning the solicitation or expenditure of  
19 funds and the support of or opposition to candidates or measures. The officers of a political party  
20 shall be considered the directors of any political party committee of that party, unless otherwise  
21 provided in the party’s bylaws.

22 (3)(a) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

23 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-  
24 sation or consideration, of money, services other than personal services for which no compensation  
25 is asked or given, supplies, equipment or any other thing of value:

26 (i) For the purpose of influencing an election for public office or an election on a measure, or  
27 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-  
28 itical committee; or

29 (ii) To or on behalf of a candidate, political committee or measure; and

30 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforcea-  
31 ble, to make a contribution.

32 (b) Regarding a contribution made for compensation or consideration of less than equivalent  
33 value, only the excess value of it shall be considered a contribution.

34 (4)(a) “Controlled committee” means a political committee that, in connection with the making  
35 of contributions or expenditures:

36 (A) Is controlled directly or indirectly by a candidate or a controlled committee; or

37 (B) Acts jointly with a candidate or controlled committee.

38 (b) For purposes of this subsection, a candidate controls a political committee if:

39 (A) The candidate, the candidate’s agent, a member of the candidate’s immediate family or any  
40 other political committee that the candidate controls has a significant influence on the actions or  
41 decisions of the political committee; or

42 (B) The candidate’s principal campaign committee and the political committee both have the  
43 candidate or a member of the candidate’s immediate family as a treasurer or director.

44 (5) “County clerk” means the county clerk or the county official in charge of elections.

45 (6) “Elector” means an individual qualified to vote under section 2, Article II of the Oregon



1 Constitution.

2 (7) Except as provided in ORS 260.007, “expend” or “expenditure” includes the payment or fur-  
 3 nishing of money or anything of value or the incurring or repayment of indebtedness or obligation  
 4 by or on behalf of a candidate, political committee or person in consideration for any services,  
 5 supplies, equipment or other thing of value performed or furnished for any reason, including support  
 6 of or opposition to a candidate, political committee or measure, or for reducing the debt of a can-  
 7 didate for nomination or election to public office. “Expenditure” also includes contributions made  
 8 by a candidate or political committee to or on behalf of any other candidate or political committee.

9 (8) “Filing officer” means:

10 (a) The Secretary of State:

11 (A) Regarding a candidate for public office;

12 (B) Regarding a statement required to be filed under ORS 260.118 by the chief petitioners of a  
 13 statewide initiative or referendum petition or by the chief petitioners of a recall petition relating  
 14 to a person holding state office;

15 (C) Regarding any measure; or

16 (D) Regarding any political committee.

17 (b) The county clerk, regarding a statement required to be filed under ORS 260.118 by:

18 (A) The chief petitioners of a county initiative or referendum petition;

19 (B) The chief petitioners of a district initiative or referendum petition where the district is sit-  
 20 uated wholly within one county; or

21 (C) The chief petitioners of a recall petition relating to a county public office holder or a district  
 22 public office holder where the district is situated wholly within one county.

23 (c) The chief city elections officer, regarding a statement required to be filed under ORS 260.118  
 24 by:

25 (A) The chief petitioners of a city initiative or referendum petition; or

26 (B) The chief petitioners of a recall petition relating to a city public office holder.

27 (d) The county clerk of the county in which the office of the chief administrative officer or ad-  
 28 ministrative board is located, when the district is situated in more than one county, regarding a  
 29 statement required to be filed under ORS 260.118 by:

30 (A) The chief petitioners of a district initiative or referendum petition; or

31 (B) The chief petitioners of a recall petition relating to a district public office holder.

32 (e) Notwithstanding paragraphs (a) to (d) of this subsection, in the case of an irrigation district  
 33 formed under ORS chapter 545:

34 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district  
 35 formation election where the proposed district is situated wholly in one county;

36 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation  
 37 district will be located, regarding any candidate for office or any measure at an irrigation district  
 38 formation election where the proposed district is situated in more than one county; or

39 (C) The secretary of the irrigation district for any election other than an irrigation district  
 40 formation election.

41 (9) “Independent expenditure” means an expenditure by a person for a communication in support  
 42 of or in opposition to a clearly identified candidate or measure that is not made with the cooper-  
 43 ation or with the prior consent of, or in consultation with, or at the request or suggestion of, a  
 44 candidate or any agent or authorized committee of the candidate, or any political committee or  
 45 agent of a political committee supporting or opposing a measure. For purposes of this subsection:

- 1 (a) A communication is “in support of or in opposition to” a candidate or measure if:
- 2 (A) The communication, taken in its context, clearly and unambiguously urges the election or
- 3 defeat of a clearly identified candidate for nomination or election to public office, or the passage
- 4 or defeat of a clearly identified measure;
- 5 (B) The communication, as a whole, seeks action rather than simply conveying information; and
- 6 (C) It is clear what action the communication advocates.
- 7 (b) “Agent” means any person who has:
- 8 (A) Actual oral or written authority, either express or implied, to make or to authorize the
- 9 making of expenditures on behalf of a candidate or on behalf of a political committee supporting or
- 10 opposing a measure; or
- 11 (B) Been placed in a position within the campaign organization where it would reasonably ap-
- 12 pear that in the ordinary course of campaign-related activities the person may authorize expen-
- 13 ditures.
- 14 (c) “Clearly identified” means, with respect to candidates:
- 15 (A) The name of the candidate involved appears;
- 16 (B) A photograph or drawing of the candidate appears; or
- 17 (C) The identity of the candidate is apparent by unambiguous reference.
- 18 (d) “Clearly identified” means, with respect to measures:
- 19 (A) The ballot number of the measure appears;
- 20 (B) A description of the measure’s subject or effect appears; or
- 21 (C) The identity of the measure is apparent by unambiguous reference.
- 22 (e) “Made with the cooperation or with the prior consent of, or in consultation with, or at the
- 23 request or suggestion of, a candidate or any agent or authorized committee of the candidate, or any
- 24 political committee or agent of a political committee supporting or opposing a measure”:
- 25 (A) Means any arrangement, coordination or direction by the candidate or the candidate’s agent,
- 26 or by any political committee or agent of a political committee supporting or opposing a measure,
- 27 prior to the publication, distribution, display or broadcast of the communication. An expenditure
- 28 shall be presumed to be so made when it is:
- 29 (i) Based on information about the plans, projects or needs of the candidate, or of the political
- 30 committee supporting or opposing a measure, and provided to the expending person by the candidate
- 31 or by the candidate’s agent, or by any political committee or agent of a political committee sup-
- 32 porting or opposing a measure, with a view toward having an expenditure made; or
- 33 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
- 34 is or has been an officer of a political committee authorized by the candidate or by a political
- 35 committee or agent of a political committee supporting or opposing a measure, or who is or has been
- 36 receiving any form of compensation or reimbursement from the candidate, the candidate’s principal
- 37 campaign committee or agent or from any political committee or agent of a political committee
- 38 supporting or opposing a measure; and
- 39 (B) Does not include providing to the expending person upon request a copy of this chapter or
- 40 any rules adopted by the Secretary of State relating to independent expenditures.
- 41 (10) “Initiative petition” means a petition to initiate a measure for which a prospective petition
- 42 has been filed but that is not yet a measure.
- 43 (11) “Judge” means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
- 44 Tax Court.
- 45 (12) “Mass mailing” means more than 200 substantially similar pieces of mail, but does not in-

1 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other  
 2 inquiry.

3 (13) "Measure" includes any of the following submitted to the people for their approval or re-  
 4 jection at an election:

- 5 (a) A proposed law.
- 6 (b) An Act or part of an Act of the Legislative Assembly.
- 7 (c) A revision of or amendment to the Oregon Constitution.
- 8 (d) Local, special or municipal legislation.
- 9 (e) A proposition or question.

10 (14) "Occupation" means:

- 11 (a) The nature of an individual's principal business; and
- 12 (b) If the individual is employed by another person, the business name and address, by city and  
 13 state, of the employer.

14 (15) "Person" means an individual, corporation, limited liability company, labor organization,  
 15 association, firm, partnership, joint stock company, club, organization or other combination of indi-  
 16 viduals having collective capacity.

17 (16)(a) "Political committee" means a combination of two or more individuals, or a person other  
 18 than an individual, that has:

19 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or  
 20 political party; or

21 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or  
 22 political party.

23 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

24 (A) A contribution to a candidate or political committee that is required to report the contri-  
 25 bution on a statement filed under ORS 260.057, 260.076 or 260.102 or a certificate filed under ORS  
 26 260.112; or

27 (B) An independent expenditure for which a statement is required to be filed by a person under  
 28 ORS 260.044 (1).

29 (17) "Public office" means any national, state, county, district, city office or position, except a  
 30 political party office, that is filled by the electors.

31 (18) "Recall petition" means a petition to recall a public officer for which a prospective petition  
 32 has been filed but that is not yet a measure.

33 (19) "Referendum petition" means a petition to refer a measure for which a prospective petition  
 34 has been filed but that is not yet a measure.

35 (20) "Regular district election" means the regular district election described in ORS 255.335.

36 (21) "Slate mailer" means a mass mailing that supports or opposes a total of three or more  
 37 candidates or measures.

38 (22)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,  
 39 any person who directly or indirectly:

40 (A) Is involved in the production of one or more slate mailers and exercises control over the  
 41 selection of the candidates and measures to be supported or opposed in the slate mailers; and

42 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing  
 43 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate  
 44 mailers.

45 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-

1 clude:

2 (A) A political committee organized by a political party; or

3 (B) A political committee organized by the caucus of either the Senate or the House of Repre-  
4 sentatives of the Legislative Assembly.

5 (23) "State office" means the office of Governor, **Lieutenant Governor**, Secretary of State,  
6 State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Super-  
7 intendent of Public Instruction, state Senator, state Representative, judge or district attorney.

8 **SECTION 24.** ORS 260.076, as amended by section 32a, chapter 809, Oregon Laws 2005, is  
9 amended to read:

10 260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or  
11 candidate's principal campaign committee, shall file statements showing contributions received by  
12 or on behalf of the official, candidate or committee during the period beginning January 1 imme-  
13 diately preceding a regular biennial session of the Legislative Assembly and ending upon  
14 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-  
15 sion of the Legislative Assembly.

16 (2) The Governor, Governor-elect or a candidate for Governor, **the Lieutenant Governor**,  
17 **Lieutenant Governor-elect or a candidate for Lieutenant Governor** or the principal campaign  
18 committee of the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or  
19 candidate[,] shall file statements showing contributions received by or on behalf of the Governor,  
20 Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect**, candidate or committee during  
21 the period beginning January 1 immediately preceding a regular biennial session of the Legislative  
22 Assembly and ending 30 business days following adjournment of the regular biennial session of the  
23 Legislative Assembly, or during any special session of the Legislative Assembly.

24 (3) A person or political committee affiliated with a political party, caucus of either house of the  
25 Legislative Assembly, legislative official, statewide official, [or] the Governor, Governor-elect,  
26 **Lieutenant Governor, Lieutenant Governor-elect** or a candidate for Governor **or Lieutenant**  
27 **Governor** shall file statements showing contributions received by the person or committee on behalf  
28 of a legislative official, statewide official or candidate therefor, during the period beginning January  
29 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon  
30 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-  
31 sion of the Legislative Assembly.

32 (4) A person or political committee affiliated with a political party, caucus of either house of the  
33 Legislative Assembly, legislative official, statewide official, [or] the Governor, Governor-elect,  
34 **Lieutenant Governor, Lieutenant Governor-elect** or a candidate for Governor **or Lieutenant**  
35 **Governor** shall file statements showing contributions received by the person or committee on behalf  
36 of the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or candidate  
37 for Governor **or Lieutenant Governor**, during the period beginning January 1 immediately pre-  
38 ceding a regular biennial session of the Legislative Assembly and ending 30 business days following  
39 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-  
40 sion of the Legislative Assembly.

41 (5) A statement described in subsections (1) to (4) of this section shall be filed with the Secretary  
42 of State not later than two business days after the date a contribution is received. A statement shall  
43 be filed on a form prescribed by the Secretary of State.

44 (6) If a statement has been filed under subsections (1) to (4) of this section, the next statement  
45 filed by the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect**, official,

1 candidate, principal campaign committee or other political committee under ORS 260.057 shall in-  
 2 clude the contributions reported in statements filed under this section.

3 (7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

4 (8) As used in this section:

5 (a) "Legislative official" means any member or member-elect of the Legislative Assembly.

6 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer  
 7 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-  
 8 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor  
 9 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

10 **SECTION 25.** ORS 279.855 is amended to read:

11 279.855. The following may purchase equipment, materials, supplies and services through the  
 12 Oregon Department of Administrative Services in the same manner as state agencies as provided in  
 13 ORS 279A.140 to 279A.155 and 279A.250 to 279A.290:

14 (1) Qualified nonprofit agencies for disabled individuals participating in the program set forth  
 15 in ORS 279.835 to 279.855, 279A.025 (4) and 279C.335.

16 (2) Residential programs when under contract with the Department of Human Services to pro-  
 17 vide services to youth in the custody of the state.

18 (3) Public benefit corporations, as defined in ORS 65.001, that provide public services either  
 19 under contract with a state agency, as defined in ORS [171.133] **171.130**, or under contract with a  
 20 unit of local government, as defined in ORS 190.003, that funds the contract, in whole or in part,  
 21 with state funds.

22 **SECTION 26.** ORS 285A.131 is amended to read:

23 285A.131. (1) There is established the International Trade Commission consisting of 15 members  
 24 appointed by the Governor. In appointing members of the commission, the Governor shall appoint  
 25 some members who represent businesses specializing in international trade and some who represent  
 26 traded sector industries. The commission shall include:

27 (a) A member of the Oregon Economic and Community Development Commission;

28 (b) A member of the State Board of Agriculture;

29 (c) A member of the board of commissioners of the Port of Portland; and

30 (d) A representative of the Pacific Northwest International Trade Association.

31 (2) In addition to the members appointed by the Governor, the President of the Senate shall  
 32 appoint one member of the Senate and the Speaker of the House of Representatives shall appoint  
 33 one member of the House of Representatives to serve as nonvoting, ex officio members of the  
 34 International Trade Commission.

35 (3) The members of the commission who are appointed by the Governor shall serve on the  
 36 commission at the pleasure of the Governor.

37 (4) The members of the commission who are appointed by the Governor may receive payment for  
 38 their actual and necessary travel and other expenses as provided in ORS 285A.060.

39 (5) The Economic and Community Development Department shall provide staff support for the  
 40 International Trade Commission.

41 (6) The commission may appoint work groups and task forces as the commission considers ap-  
 42 propriate to assist the commission in carrying out the duties of the commission under this section  
 43 and ORS 285A.133. Work groups and task forces may include individuals who are not members of  
 44 the commission.

45 (7) The *[Director of the Economic and Community Development Department, with the approval of*

1 *the Governor,] Lieutenant Governor* shall [*appoint an*] **serve as** executive director of the Interna-  
 2 tional Division of the Economic and Community Development Department [*from a list of candidates*  
 3 *submitted by the International Trade Commission*].

4 **SECTION 27.** ORS 285A.133 is amended to read:

5 285A.133. The International Trade Commission shall:

6 (1) Act as an advocate for international trade with Oregon and promote the state's international  
 7 trade agenda.

8 (2) Serve as a body to advise governmental bodies, agencies and private persons on the devel-  
 9 opment and implementation of state policies and programs relating to international trade, coordi-  
 10 nated with agricultural trade of the State Department of Agriculture, and assist, through the  
 11 International Division of the Economic and Community Development Department, in the coordi-  
 12 nation of those activities.

13 (3) Set policy for and monitor programs relating to and expanding international trade for the  
 14 International Division of the Economic and Community Development Department.

15 (4) Recommend changes in state policies and programs relating to international trade to the  
 16 [*Director of the Economic and Community Development Department*] **Lieutenant Governor** and the  
 17 Oregon Economic and Community Development Commission.

18 **SECTION 28.** ORS 291.272 is amended to read:

19 291.272. As used in ORS 291.272 to 291.280, unless the context requires otherwise:

20 (1) "Administrative expenses" has the meaning defined by ORS 291.305.

21 (2) "Department" means the Oregon Department of Administrative Services.

22 (3) "Governmental service expenses" means the expenses of state government that are attribut-  
 23 able to the operation, maintenance, administration and support of state government generally, and  
 24 includes the following:

25 (a) Administrative expenses of the Oregon Department of Administrative Services supported out  
 26 of the General Fund.

27 (b) Sixty percent of the expenditures of the Legislative Assembly out of moneys appropriated  
 28 from the General Fund, and all of the expenditures incurred in the administration of the duties of  
 29 the Emergency Board.

30 (c) Sixty percent of the expenditures incurred in the administration of the duties of the Joint  
 31 Committee on Ways and Means and the Emergency Board.

32 (d) Sixty percent of the expenditures incurred out of moneys appropriated from the General  
 33 Fund in the administration of the duties of the Legislative Counsel Committee.

34 (e) Expenditures of the Secretary of State in the administration of the office of the State  
 35 Archivist, of historic properties programs, and of the administrative rules publication program.

36 (f) Seventy-five percent of the administrative expenses of the Office of the Governor incurred  
 37 out of moneys appropriated from the General Fund.

38 **(g) Seventy-five percent of the administrative expenses of the Office of the Lieutenant**  
 39 **Governor incurred out of moneys appropriated from the General Fund.**

40 (4) "State agency" means every state officer, board, commission, department, institution, branch  
 41 or agency of the state government, whose costs are paid wholly or in part from funds held in the  
 42 State Treasury, and includes the Legislative Assembly, the courts and their officers and committees.

43 **SECTION 29.** ORS 292.010 is amended to read:

44 292.010. **Except as provided in ORS 292.039,** the salaries of the Governor, **Lieutenant Gov-**  
 45 **ernor,** Secretary of State, State Treasurer, Attorney General, judges of the Supreme and circuit

1 courts, district attorneys, and all other state officers, and all persons employed by the state whose  
 2 salary or compensation is payable by law out of the State Treasury, shall be paid monthly or on a  
 3 biweekly basis.

4 **SECTION 30.** ORS 292.313 is amended to read:

5 292.313. The incumbents of each of the following offices shall be paid an annual salary on a  
 6 monthly basis, as follows:

7 (1) Governor, \$93,600 for the year beginning July 1, 2001, and ending June 30, 2002, and for each  
 8 year thereafter. The Governor shall also be paid \$1,000 per month regularly for expenses necessarily  
 9 incurred but not otherwise provided for.

10 (2) **Lieutenant Governor, \$72,000 prorated for the portion of the year beginning July 1,**  
 11 **2008, and ending June 30, 2009, that the first elected Lieutenant Governor serves in office,**  
 12 **and \$72,000 for each year thereafter. The Lieutenant Governor shall also be paid \$250 per**  
 13 **month regularly for expenses necessarily incurred but not otherwise provided for.**

14 [(2)] (3) Secretary of State, \$72,000 for the year beginning July 1, 2001, and ending June 30, 2002,  
 15 and for each year thereafter. The Secretary of State shall also be paid \$250 per month regularly for  
 16 expenses necessarily incurred but not otherwise provided for.

17 [(3)] (4) State Treasurer, \$72,000 for the year beginning July 1, 2001, and ending June 30, 2002,  
 18 and for each year thereafter. The State Treasurer shall also be paid \$250 per month regularly for  
 19 expenses necessarily incurred but not otherwise provided for.

20 [(4)] (5) Attorney General, \$77,200 for the year beginning July 1, 2001, and ending June 30, 2002,  
 21 and for each year thereafter. The Attorney General shall also be paid \$250 per month regularly for  
 22 expenses necessarily incurred but not otherwise provided for.

23 [(5)] (6) Superintendent of Public Instruction, \$72,000 for the year beginning July 1, 2001, and  
 24 ending June 30, 2002, and for each year thereafter. The superintendent shall also be paid \$250 per  
 25 month regularly for expenses necessarily incurred but not otherwise provided for.

26 [(6)] (7) Commissioner of the Bureau of Labor and Industries, \$72,000 for the year beginning July  
 27 1, 2001, and ending June 30, 2002, and for each year thereafter. The commissioner shall also be paid  
 28 \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

29 **SECTION 31.** ORS 292.316 is amended to read:

30 292.316. All fees and commissions of any kind, name or nature collected by the Governor,  
 31 **Lieutenant Governor**, Secretary of State, State Treasurer or Attorney General for any service  
 32 performed by the Governor, **Lieutenant Governor**, Secretary of State, State Treasurer or Attorney  
 33 General by virtue of office or collected by the Governor, **Lieutenant Governor**, Secretary of State,  
 34 State Treasurer or Attorney General by virtue of office, shall be paid into the State Treasury on  
 35 or before the 10th day of the month following the collection thereof, accompanied by a statement  
 36 designating the fund or account to which the payment is to be credited. Each of such officers shall,  
 37 in the biennial report of the officer, set forth a statement of all moneys so collected and paid over  
 38 to the State Treasury.

39 **SECTION 32.** ORS 292.430 is amended to read:

40 292.430. (1) In addition to the annual salaries set forth in ORS 171.072 and 292.313, the Oregon  
 41 Department of Administrative Services may "pick-up," assume and pay to the Public Employees Re-  
 42 tirement Fund any employee contributions, otherwise required by ORS 238.200, for the Governor,  
 43 **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney General, Superintendent of  
 44 Public Instruction, Commissioner of the Bureau of Labor and Industries and members of the Legis-  
 45 lative Assembly.

1 (2) The department may provide health, dental, life and long-term disability insurance without  
 2 cost to the officers referred to in subsection (1) of this section and to judges of the Supreme Court,  
 3 Court of Appeals, Oregon Tax Court and circuit courts in such amounts as are provided from time  
 4 to time to employees in the unclassified service of the state.

5 **SECTION 33.** ORS 292.930 is amended to read:

6 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis  
 7 as determined by the Legislative Assembly each biennium [*beginning July 1, 1985*]:

8 (1) Governor.

9 **(2) Lieutenant Governor.**

10 [(2)] **(3) Secretary of State.**

11 [(3)] **(4) State Treasurer.**

12 [(4)] **(5) Attorney General.**

13 [(5)] **(6) Superintendent of Public Instruction.**

14 [(6)] **(7) Commissioner of the Bureau of Labor and Industries.**

15 [(7)] **(8) Court of Appeals Judge.**

16 [(8)] **(9) Supreme Court Justice.**

17 [(9)] **(10) Circuit Court Judge.**

18 [(10)] **(11) Tax Court Judge.**

19 **SECTION 34.** ORS 357.835 is amended to read:

20 357.835. (1) Except as otherwise provided by law, when the State Archivist has determined that  
 21 public records are stored under conditions where they are no longer available for use or which are  
 22 dangerous to the safety and protection of the records, or where no safe storage is available, all such  
 23 public records or writings as the State Archivist may requisition as being of value or interest for  
 24 the purposes mentioned in ORS 357.825 shall be transferred to the custody of the State Archivist.

25 (2) If a state agency is abolished or ceases to operate, its public records and writings shall be  
 26 transferred to the custody of the State Archivist, except for records of functions transferred by law  
 27 to other agencies and records needed for the liquidation of obligations or property of the agency.  
 28 Records used in the liquidation of the agency shall be transferred to the State Archivist when the  
 29 liquidation is completed.

30 (3) The Governor, **the Lieutenant Governor**, the Secretary of State and the State Treasurer  
 31 shall deposit with the State Archivist for safekeeping in the custody of the State Archivist records  
 32 of their offices that are used for historical rather than current administrative purposes.

33 **SECTION 35.** ORS 401.055 is amended to read:

34 401.055. (1) The Governor may declare a state of emergency by proclamation at the request of  
 35 a county governing body or after determining that an emergency has occurred or is imminent.

36 (2) All requests by a county governing body that the Governor declare an emergency shall be  
 37 sent to the Office of Emergency Management. Cities must submit requests through the governing  
 38 body of the county in which the majority of the city's property is located. Requests from counties  
 39 shall be in writing and include the following:

40 (a) A certification signed by the county governing body that all local resources have been ex-  
 41 pended; and

42 (b) A preliminary assessment of property damage or loss, injuries and deaths.

43 (3)(a) If, in the judgment of the Superintendent of State Police, the Governor cannot be reached  
 44 by available communications facilities in time to respond appropriately to an emergency, the super-  
 45 intendent shall notify the [*Secretary of State*] **Lieutenant Governor** or, if the [*Secretary of State*]



1 **Lieutenant Governor** is not available, the [*State Treasurer*] **Secretary of State** that the Governor  
2 is not available.

3 (b) After notice from the superintendent that the Governor is not available, the elected state  
4 official so notified may declare a state of emergency pursuant to the provisions of subsections (1)  
5 and (2) of this section.

6 (c) If the Superintendent of State Police is unavailable to carry out the duties described in this  
7 subsection, such duties shall be performed by the Director of the Office of Emergency Management.

8 (4) Any state of emergency declared by the **Lieutenant Governor** or Secretary of State [*or*  
9 *State Treasurer*] pursuant to this section has the same force and effect as if issued by the Governor,  
10 except that it must be affirmed by the Governor as soon as the Governor is reached. However, if  
11 the Governor does not set aside the proclamation within 24 hours of being reached, the proclamation  
12 shall be considered affirmed by the Governor.

13 (5) Any proclamation of a state of emergency must specify the geographical area covered by the  
14 proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

15 **SECTION 36.** ORS 461.180 is amended to read:

16 461.180. (1) The Director of the Oregon State Lottery shall make an ongoing study of the oper-  
17 ation and the administration of the lotteries which may be in operation in other states or countries,  
18 of available literature on the subject, of federal laws which may affect the operation of the Oregon  
19 State Lottery and of the reaction of citizens of the state to existing or proposed features in lottery  
20 games, with a view toward recommending improvements that will tend to serve the purposes of this  
21 chapter. The director may make recommendations to the commission, Governor and Legislative  
22 Assembly on any matters concerning the secure and efficient operation and administration of the  
23 state lottery and the convenience of the purchasers of tickets and shares.

24 (2) The director shall make and keep books and records which accurately and fairly reflect each  
25 day's transactions, including but not limited to, the distribution of tickets or shares to lottery game  
26 retailers, receipt of funds, prize claims, prize disbursements or prizes liable to be paid, expenses and  
27 all other financial transactions involving state lottery funds necessary so as to permit preparation  
28 of financial statements in conformity with generally accepted accounting principles and to maintain  
29 daily accountability.

30 (3) The director shall make a monthly financial report to the commission, and upon request  
31 provide copies of such reports to the Governor, **the Lieutenant Governor**, the Attorney General,  
32 the Secretary of State, the State Treasurer and the Legislative Assembly. Such report shall include  
33 a full and complete statement of state lottery revenues, prize disbursements, expenses, net revenues  
34 and all other financial transactions involving state lottery funds for the month.

35 (4) After the first six months of sales of tickets or shares to the public, the director shall engage  
36 an independent firm experienced in demographic analysis to conduct a special study which shall  
37 ascertain the demographic characteristics of the players of each lottery game, including but not  
38 limited to their income, age, sex, education and frequency of participation. This report shall be  
39 presented to the commission, the Governor, **the Lieutenant Governor**, the Attorney General, the  
40 Secretary of State, the State Treasurer and the Legislative Assembly. Similar studies shall be con-  
41 ducted after the first such study from time to time as determined by the director.

42 (5) After the first full year of sales of tickets or shares to the public, the director shall engage  
43 an independent firm experienced in the analysis of advertising, promotion, public relations, incen-  
44 tives, public disclosures of odds and numbers of winners in lottery games and other aspects of  
45 communications to conduct a special study of the effectiveness of such communications activities

1 by the state lottery and make recommendations to the commission on the future conduct and future  
2 rate of expenditure for such activities. This report shall be presented to the commission, the Gov-  
3 ernor, **the Lieutenant Governor**, the Attorney General, the Secretary of State, the State Treasurer  
4 and the Legislative Assembly. Until the presentation of such report and action by the commission,  
5 the state lottery shall expend as close to three and one-half percent as practical of the projected  
6 sales of all tickets and shares for advertising, promotion, public relations, incentives, public disclo-  
7 sures of odds and numbers of winners in lottery games and other aspects of communications. Similar  
8 studies shall be conducted from time to time after the first such study as determined by the director.

9 (6) After the first nine months of sales of tickets or shares to the public, the commission shall  
10 engage an independent firm experienced in security procedures, including but not limited to com-  
11 puter security and systems security, to conduct a comprehensive study and evaluation of all aspects  
12 of security in the operation of the state lottery. Such study shall include, but not be limited to,  
13 personnel security, lottery game retailer security, lottery contractor security, security of manufac-  
14 turing operations of lottery contractors, security against ticket counterfeiting and alteration and  
15 other means of fraudulently winning, security of drawings among entries or finalists, computer se-  
16 curity, data communications security, database security, security in distribution, security involving  
17 validation and payment procedures, security involving unclaimed prizes, security aspects applicable  
18 to each particular lottery game, security of drawings in lottery games where winners are determined  
19 by drawings of numbers, the completeness of security against locating winners in lottery games with  
20 preprinted winners by persons involved in their production, storage, distribution or sale and any  
21 other aspects of security applicable to any particular lottery game and to the state lottery and its  
22 operations. The portion of the report containing the overall evaluation of the state lottery in terms  
23 of each aspect of security shall be presented to the commission, the Governor, **the Lieutenant**  
24 **Governor**, the Attorney General, the Secretary of State, the State Treasurer and the Legislative  
25 Assembly. Notwithstanding other provisions of state law, the portion of the report containing spe-  
26 cific recommendations shall be confidential and shall be presented only to the commission, the  
27 Governor and the director. Similar studies of security shall be conducted biennially thereafter.

28 (7) The director may delegate to any of the employees of the Oregon State Lottery the exercise  
29 or discharge in the director's name of any power, duty or function of whatever character, vested in  
30 or imposed by law upon the director. The official act of any such person so acting in the director's  
31 name and by the authority of the director shall be considered to be an official act of the director.

32 **SECTION 37.** ORS 805.220 is amended to read:

33 805.220. (1) Upon application by an elected official who qualifies under this section, the De-  
34 partment of Transportation shall issue registration plates described under this section to the official  
35 for use on the motor vehicle of the person. Registration plates issued under this section may be  
36 displayed on the vehicle of the person in lieu of regular registration plates issued under the vehicle  
37 code.

38 (2) The following apply to registration plates issued under this section:

39 (a) The plates shall be considered customized plates for purposes of the fee in ORS 805.250.

40 (b) The plates shall be assigned to a specific vehicle.

41 (c) The plates shall be issued in addition to regular registration plates issued for a vehicle at  
42 the option of the applicant.

43 (d) The plates shall not be transferable from vehicle to vehicle except as provided by the de-  
44 partment by rule.

45 (e) The plates shall be valid for the term of office of the qualifying official. If the person is

1 elected to a subsequent term of office, the department may provide for validation of the plate for the  
2 subsequent term by means of a sticker or by any other means the department determines convenient.

3 (f) The person to whom the plates are issued may retain the plates after the person's term of  
4 office, but the plates shall not be valid if displayed on any vehicle while the person is not holding  
5 the office for which the plates were issued.

6 (3) Only the following elected officials qualify for issuance of registration plates under this  
7 section:

8 (a) **The Lieutenant Governor.**

9 [(a)] (b) The Secretary of State.

10 [(b)] (c) The State Treasurer.

11 [(c)] (d) Members of the Oregon Legislative Assembly.

12 [(d)] (e) Members of the Oregon Congressional Delegation.

13 (4) Nothing in this section applies to or affects the authority of the department to issue dis-  
14 tinctive registration plates on vehicles owned by this state that are provided for use of the Gover-  
15 nor.

16 (5) The department shall adopt rules necessary to carry out the purposes of this section.

17 **SECTION 38. This 2007 Act does not take effect unless the amendment to the Oregon**  
18 **Constitution proposed by House Joint Resolution 3 (2007) is approved by the people at a spe-**  
19 **cial election held throughout this state on the same date as the next primary election. This**  
20 **2007 Act takes effect on the effective date of that constitutional amendment.**

21