

Minority Report
A-Engrossed
House Bill 2589

Ordered by the House February 28
Including House Minority Report Amendments dated February 28

Sponsored by nonconcurring members of the House Committee on Elections, Ethics and Rules: Representatives
ESQUIVEL, THATCHER

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.

Prohibits former member of Legislative Assembly from being compensated lobbyist during period beginning on date person ceases being member and ending on date of adjournment sine die of next regular legislative session.

Prohibits registered lobbyist from accepting appointment from officer or entity in executive department or legislative department. Provides that formerly registered lobbyist may not accept such appointment from time lobbyist ceases to be registered until adjournment of next Legislative Assembly.

A BILL FOR AN ACT

1
2 Relating to lobbying; creating new provisions; and amending ORS 244.045.

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

4 **SECTION 1.** ORS 244.045 is amended to read:

5 244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Depart-
6 ment of Consumer and Business Services, the Administrator of the Division of Finance and Corpo-
7 rate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor
8 Control Commission or the Director of the Oregon State Lottery shall not:

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

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

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

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

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

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

21 (3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not,
22 within one year after ceasing to hold office:

23 (a) Accept employment from or be retained by any private entity with whom the office of the

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 State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract
2 providing for payment by the state of at least \$25,000 in any single year during the term of office
3 of the treasurer;

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

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

10 (4) A public official who as part of the official's duties invested public funds shall not within two
11 years after the public official ceases to hold the position:

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

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

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

16 (5)(a) A person who has been a member of the Department of State Police, who has held a po-
17 sition with the department with the responsibility for supervising, directing or administering pro-
18 grams relating to gaming by a Native American tribe or the Oregon State Lottery and who has been
19 designated by the Superintendent of State Police by rule shall not, within one year after the member
20 of the Department of State Police ceases to hold the position:

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

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

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

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

27 (b) This subsection does not apply to:

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

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

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

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

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

36 **(6)(a) A person who has been a member of the Legislative Assembly may not use or at-**
37 **tempt to use the person's position as a former member of the Legislative Assembly to obtain**
38 **financial gain as a lobbyist as defined in ORS 171.725 during the period beginning on the date**
39 **the person ceases to be a member of the Legislative Assembly and ending on the date of**
40 **adjournment sine die of the regular session of the Legislative Assembly next following the**
41 **date the person ceases to be a member of the Legislative Assembly.**

42 **(b) Paragraph (a) of this subsection does not apply to a person who is a public official as**
43 **defined in ORS 171.725.**

44 **SECTION 2. Section 3 of this 2007 Act is added to and made a part of ORS chapter 244.**

45 **SECTION 3. (1) A lobbyist as defined in ORS 171.725 who is registered with the Oregon**

1 **Government Standards and Practices Commission under ORS 171.740 may not accept ap-**
2 **pointment to a position for which the appointing authority is an officer or entity in the**
3 **executive department as defined in ORS 174.112 or the legislative department as defined in**
4 **ORS 174.114.**

5 **(2) A person who has been a lobbyist registered with the commission under ORS 171.740**
6 **may not accept appointment to a position for which the appointing authority is an officer**
7 **or entity in the executive department as defined in ORS 174.112 or the legislative department**
8 **as defined in ORS 174.114. This subsection applies during the period beginning on the date the**
9 **person ceases to be a registered lobbyist and ending on the date of adjournment sine die of**
10 **the next session of the Legislative Assembly that begins after the date the person ceases to**
11 **be a registered lobbyist.**

12 **SECTION 4. (1) The amendments to ORS 244.045 by section 1 of this 2007 Act apply to**
13 **persons who cease being members of the Legislative Assembly on or after January 1, 2008.**

14 **(2) Section 3 of this 2007 Act applies to persons who are lobbyists registered with the**
15 **Oregon Government Standards and Practices Commission on or after January 1, 2008.**

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