

House Bill 2596

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of Oregon Law Commission)

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**.

Modifies administrative adjudication processes of Oregon Government Standards and Practices Commission. Extends length of Preliminary Review Phase from 90 days to 135 days. Allows delay for complaints filed against candidates for public office within 61 days before election. Extends length of Investigatory Phase from 120 days to 180 days.

Allows person subject to commission action to request transfer of action to Marion County Circuit Court in lieu of contested case proceeding. Allows commission to transfer action to court or proceed with contested case under condition that decision of administrative law judge is final order in contested case.

Modifies provisions directing commission to prepare and distribute government ethics manual and to prepare and present program of continuing education.

Authorizes public official to establish legal expense trust fund for use by public official to defray legal expenses incurred by public official in defending public official in legal proceeding relating to or arising from status of person as public official. Requires approval of trust fund by Oregon Government Standards and Practices Commission.

Prohibits personal use of trust fund proceeds. Prohibits public official from soliciting contributions to trust fund. Directs trustee of trust fund to file with commission quarterly reports of contributions received and expenditures made.

A BILL FOR AN ACT

Relating to government ethics; creating new provisions; amending ORS 244.020, 244.040, 244.060, 244.160, 244.260, 244.290, 244.320, 244.340, 244.350, 244.380 and 244.400; and repealing ORS 244.330.

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

COMMISSION ADJUDICATION PROCESSES

SECTION 1. ORS 244.260 is amended to read:

244.260. *[(1)(a) Upon its own instigation or signed complaint of any person, the Oregon Government Standards and Practices Commission may undertake action in the Preliminary Review Phase with respect to the contents of any statements filed under this chapter or resolution adopted pursuant thereto or any alleged violation of any provision of this chapter.]*

[(b) The public official who is the subject of a complaint or of the commission's own action shall be notified immediately upon receipt of the complaint or upon adoption of a motion by the commission to undertake any action concerning the public official. The notice shall be given by telephone if the official can be reached and shall also be in writing mailed to the official. The notice shall include the nature of the complaint or motion and a copy of all materials submitted along with the complaint or materials which give rise to the commission's instigation of action on its own motion. However, the official must also be notified in advance if an issue that may give rise to a motion to undertake action on the commission's own instigation is to be discussed at a commission meeting.]

[(c) Before investigating any complaint or undertaking any investigation at the commission's own

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 *instigation, if the public official who is the subject of the complaint or of the commission's own action*
2 *is a member of the Legislative Assembly, the commission shall determine whether the alleged violation*
3 *of any provision of this chapter involves conduct protected by section 9, Article IV of the Oregon*
4 *Constitution. If the commission determines that the conduct is protected by section 9, Article IV of the*
5 *Oregon Constitution, the commission shall dismiss the complaint or rescind its motion as provided in*
6 *paragraph (e) of this subsection.]*

7 *[(d) If the complaint has not been dismissed or the motion of the commission has not been rescinded*
8 *as described in paragraph (c) of this subsection, before investigating any complaint or undertaking an*
9 *investigation on the commission's own instigation, the commission shall make a finding that there is*
10 *cause to undertake an investigation, notify the public official who is the subject of the investigation,*
11 *identify the issues to be examined and shall confine its investigation to those issues. If the commission*
12 *finds reason to expand its investigation, it shall move to do so and shall record in its minutes the issues*
13 *to be examined before expanding the scope of its investigation and formally notify the complainant and*
14 *the public official who is the subject of the complaint of the expansion and the scope thereof.]*

15 *[(e) If the commission does not make a finding of cause, or if the commission determines that the*
16 *alleged violation of this chapter involves conduct protected by section 9, Article IV of the Oregon*
17 *Constitution, the commission shall dismiss the complaint or rescind its motion and shall formally enter*
18 *the dismissal or rescission on its records. The commission shall notify the public official of the dis-*
19 *missal or rescission. After dismissal or rescission, the commission shall take no further action involving*
20 *the public official unless a new and different complaint is filed or action at its own instigation is*
21 *undertaken based on different conduct.]*

22 *[(2) The commission may:]*

23 *[(a) During the Preliminary Review Phase, seek, solicit or otherwise obtain any books, papers, re-*
24 *records, memoranda or other additional information, administer oaths and take depositions necessary to*
25 *determine whether there is cause or if the alleged violation is protected by section 9, Article IV of the*
26 *Oregon Constitution; and]*

27 *[(b) During the Investigatory Phase, require any additional information, administer oaths, take*
28 *depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers,*
29 *records, memoranda or other information necessary to complete the investigation. If any person fails*
30 *to comply with any subpoena issued under this section or refuses to testify on any matters on which*
31 *the person may be lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to*
32 *compel compliance.]*

33 *[(3) The person conducting any inquiry or investigation shall do so in an impartial, objective*
34 *manner. All favorable and unfavorable information collected by the investigator shall be turned over*
35 *to the commission.]*

36 *[(4) The findings of the commission in any inquiry or investigation shall be reported impartially,*
37 *including both favorable and unfavorable findings, and shall be made available to the public official*
38 *who is the subject thereof, to the appointing authority, if any, and to the Attorney General for state*
39 *public officials and to the appropriate district attorney for local public officials. The findings shall be*
40 *made available to the Commission on Judicial Fitness and Disability in any investigation involving a*
41 *judge.]*

42 *[(5) Hearings relating to any charge of alleged violation of this chapter must be held before an*
43 *administrative law judge assigned from the Office of Administrative Hearings established under ORS*
44 *183.605. The procedure shall be that for a contested case under ORS chapter 183.]*

45 **(1)(a) Any person may file with the Oregon Government Standards and Practices Com-**

1 mission a signed written complaint alleging that there has been a violation of any provision
 2 of this chapter or of any rule adopted by the commission under this chapter. The complaint
 3 shall state the person's reason for believing that the violation occurred and include any evi-
 4 dence relating to the alleged violation.

5 (b) If at any time the commission has reason to believe that there has been a violation
 6 of a provision of this chapter or of a rule adopted by the commission under this chapter, the
 7 commission may proceed under this section on its own motion as if the commission had re-
 8 ceived a complaint.

9 (2)(a) Not later than two business days after receiving a complaint under this section, the
 10 commission shall notify the person who is the subject of the complaint.

11 (b) Before approving a motion to proceed under this section without a complaint, the
 12 commission shall provide notice to the person believed to have committed the violation of
 13 the time and place of the meeting at which the motion will be discussed. If the commission
 14 decides to proceed on its own motion, the commission shall give notice to the person not
 15 later than two business days after the motion is approved.

16 (c) The commission shall give notice of the complaint or motion to a person by mail, and
 17 by telephone if the person can be reached by telephone. The notice must describe the nature
 18 of the alleged violation, and the mailed notice must include copies of all materials submitted
 19 with a complaint. If the commission will consider a motion to proceed without a complaint,
 20 the notice must provide copies of all materials that the commission will consider at the
 21 hearing on the motion.

22 (3) After receiving a complaint or deciding to proceed on its own motion, the commission
 23 shall undertake action in the Preliminary Review Phase to determine whether there is cause
 24 to undertake an investigation. If the person who is the subject of the action is a member of
 25 the Legislative Assembly, the commission shall determine whether the alleged violation in-
 26 volves conduct protected by section 9, Article IV of the Oregon Constitution.

27 [(6)(a)] (4)(a) *[The period of time from the filing of a complaint or from acting on the commission's*
 28 *own instigation to the finding of cause or dismissal of the complaint or rescission of the motion shall*
 29 *be termed the Preliminary Review Phase and shall not exceed 90 days unless]* **The Preliminary Re-**
 30 **view Phase begins on the date the complaint is filed or the date the commission decides to**
 31 **proceed on its own motion and ends on the date the commission determines there is cause**
 32 **to undertake an investigation, dismisses the complaint or rescinds its own motion. The**
 33 **Preliminary Review Phase may not exceed 135 days unless:**

34 (A) A delay is stipulated to by both the *[public official]* **person who is the subject of action**
 35 **under this section** and the *[Oregon Government Standards and Practices]* commission with the
 36 commission reserving a portion of the delay period to complete its actions[.]; **or**

37 (B) **A complaint is filed under this section with respect to a person who is a candidate**
 38 **for elective public office, the complaint is filed within 61 days before the date of an election**
 39 **at which the person is a candidate for nomination or election and a delay is requested in**
 40 **writing by the candidate. If the candidate makes a request under this subparagraph, the**
 41 **Preliminary Review Phase must be completed not later than 135 days after the date of the**
 42 **first meeting of the commission that is held after the date of the election.**

43 (b) **During the Preliminary Review Phase, the commission may seek, solicit or otherwise**
 44 **obtain any books, papers, records, memoranda or other additional information, administer**
 45 **oaths and take depositions necessary to determine whether there is cause to undertake an**

1 **investigation or whether the alleged violation involves conduct protected by section 9, Article**
 2 **IV of the Oregon Constitution.**

3 [(b)] (c) The Preliminary Review Phase [shall be] is confidential. Commission members and staff
 4 may acknowledge receipt of a complaint but [shall make no] **may not make any** public comment
 5 or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person
 6 who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed
 7 \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the com-
 8 mission or its staff may file a petition in a court of competent jurisdiction in the county in which
 9 the petitioner resides in order to enforce the civil penalty provided in this paragraph.

10 [(c)] (d) [The commission's deliberations of a case at the conclusion of the Preliminary Review
 11 Phase shall be conducted] **At the conclusion of the Preliminary Review Phase, the commission**
 12 **shall conduct its deliberations** in executive session. All case related materials and proceedings
 13 shall be open to the public after the commission makes a finding of cause **to undertake an inves-**
 14 **tigation**, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review
 15 Phase, the executive director of the commission shall prepare a statement of the facts determined
 16 during the phase, including appropriate legal citations and relevant authorities. Before presentation
 17 to the commission, the executive director's statement shall be reviewed by legal counsel to the
 18 commission.

19 [(d)] (e) The time limit imposed in this subsection and the commission's inquiry are suspended
 20 if:

21 (A) There is a pending criminal investigation that relates to the issues arising out of the
 22 underlying facts or conduct at issue in the matter before the commission unless the parties stipulate
 23 otherwise; or

24 (B) A court has enjoined the commission from continuing its inquiry.

25 **(5)(a) If the commission determines that there is not cause to undertake an investigation**
 26 **or that the alleged violation of this chapter involves conduct protected by section 9, Article**
 27 **IV of the Oregon Constitution, the commission shall dismiss the complaint or rescind its**
 28 **motion and formally enter the dismissal or rescission in its records. The commission shall**
 29 **notify the person who is the subject of action under this section of the dismissal or**
 30 **rescission. After dismissal or rescission, the commission may not take further action in-**
 31 **volving the person unless a new and different complaint is filed or action on the commis-**
 32 **sion's own motion is undertaken based on different conduct.**

33 **(b) If the commission makes a finding of cause to undertake an investigation, the com-**
 34 **mission shall undertake action in the Investigatory Phase. The commission shall notify the**
 35 **person who is the subject of the investigation, identify the issues to be examined and confine**
 36 **the investigation to those issues. If the commission finds reason to expand the investigation,**
 37 **the commission shall move to do so, record in its minutes the issues to be examined before**
 38 **expanding the scope of its investigation and formally notify the complainant, if any, and the**
 39 **person who is the subject of the investigation of the expansion and the scope of the investi-**
 40 **gation.**

41 [(7)(a)] **(6)(a) [The period of time from the finding of cause to the beginning of any contested case**
 42 **proceedings shall be termed the Investigatory Phase and shall] The Investigatory Phase begins on**
 43 **the date the commission makes a finding of cause to undertake an investigation and ends**
 44 **on the date the commission dismisses the complaint, rescinds its own motion, issues a**
 45 **settlement order, moves to commence a contested case proceeding or takes other action**

1 **justified by the findings. The Investigatory Phase may not exceed [120] 180 days unless a delay**
 2 **is stipulated to by both the [public official] person who is the subject of action under this section**
 3 **and the [Oregon Government Standards and Practices] commission with the commission reserving a**
 4 **portion of the delay period to complete its actions.**

5 **(b) During the Investigatory Phase, the commission may seek any additional information,**
 6 **administer oaths, take depositions and issue subpoenas to compel attendance of witnesses**
 7 **and the production of books, papers, records, memoranda or other information necessary to**
 8 **complete the investigation. If any person fails to comply with any subpoena issued under this**
 9 **paragraph or refuses to testify on any matters on which the person may be lawfully inter-**
 10 **rogated, the commission shall follow the procedure described in ORS 183.440 to compel com-**
 11 **pliance.**

12 *[(b)]* (c) The time limit imposed in this subsection and the commission's investigation are sus-
 13 pended if:

14 (A) There is a pending criminal investigation that relates to the issues arising out of the
 15 underlying facts or conduct at issue in the matter before the commission unless the parties stipulate
 16 otherwise; or

17 (B) A court has enjoined the commission from continuing its investigation.

18 *[(c)]* (d) At the end of the Investigatory Phase, the commission shall take action by order[,
 19 *which*]. **The action may include:**

20 (A) Dismissal, with or without comment;

21 (B) Continuation of the investigation *[to determine further facts, but no more than one continua-*
 22 *tion, not to exceed 30 days' duration, shall be taken]* **for a period not to exceed 30 days for the**
 23 **purpose of additional fact finding;**

24 (C) Moving to a contested case proceeding;

25 (D) Seeking **or entering into** a negotiated settlement; or

26 (E) Taking other appropriate action if justified by the findings.

27 **(e) The commission may move to a contested case proceeding if the commission deter-**
 28 **mines that the information presented to the commission is sufficient to make a preliminary**
 29 **finding of a violation of any provision of this chapter or of any rule adopted by the commis-**
 30 **sion under this chapter.**

31 *[(8)]* (7)(a) *[If, at the end of the Investigatory Phase, the commission takes action by order to move*
 32 *to a contested case proceeding, a public official may notify the commission that the official elects to have*
 33 *the commission file a lawsuit against the official in the Marion County Circuit Court in lieu of the*
 34 *contested case proceeding. The public official shall notify the commission of the election in writing no*
 35 *later than 21 days after receiving notification of the commission's action by order to move to the con-*
 36 *tested case proceeding. The commission shall file suit within 30 days after receiving notice that the*
 37 *public official has elected the lawsuit procedure.]* **If the commission takes action by order to move**
 38 **to a contested case proceeding, the person who is the subject of action under this section**
 39 **may request that the commission file a lawsuit against the person in the Marion County**
 40 **Circuit Court in lieu of the contested case proceeding. The person must make the request in**
 41 **writing not later than 21 days after receiving notification of the commission's action by order**
 42 **to move to the contested case proceeding.**

43 **(b) Not later than 30 days after receiving a request under paragraph (a) of this sub-**
 44 **section, the commission shall file suit in Marion County Circuit Court or move to a contested**
 45 **case proceeding described in paragraph (c) of this subsection.**

1 (c) If the commission moves to a contested case proceeding after receiving a request
 2 under paragraph (a) of this subsection, the commission shall designate by order that the
 3 decision of the administrative law judge referred to in subsection (10) of this section is the
 4 final order in the contested case.

5 (8) A person conducting any inquiry or investigation under this section shall:

6 (a) Conduct the inquiry or investigation in an impartial and objective manner; and

7 (b) Provide to the commission all favorable and unfavorable information the person col-
 8 lects.

9 (9) The commission shall report the findings of any inquiry or investigation in an im-
 10 partial manner. The commission shall report both favorable and unfavorable findings and
 11 shall make the findings available to:

12 (a) The person who is the subject of the inquiry or investigation;

13 (b) The appointing authority, if any;

14 (c) The Attorney General, if the findings relate to a state public official;

15 (d) The appropriate district attorney, if the findings relate to a local public official; and

16 (e) The Commission on Judicial Fitness and Disability, if the findings relate to a judge.

17 (10) Hearings conducted under this chapter must be held before an administrative law
 18 judge assigned from the Office of Administrative Hearings established under ORS 183.605.
 19 Except as provided in subsection (7)(c) of this section, the procedure shall be that for a
 20 contested case under ORS chapter 183.

21 [(9)] (11) The Oregon Government Standards and Practices Commission [shall] may not in-
 22 quire into or investigate any [complaint or act at its own instigation on alleged] conduct that oc-
 23 curred more than four years before [the] a complaint is filed or [action is undertaken] a motion is
 24 approved under subsection (1) of this section.

25 [(10)] (12) [Nothing in this section is intended to] This section does not prevent the commission
 26 and the [public official or other] person alleged to have violated any provision of this chapter or
 27 any rule adopted by the commission under this chapter from stipulating to a finding of fact
 28 concerning the violation and consenting to an appropriate penalty. The commission shall enter an
 29 order [accordingly] based on the stipulation and consent.

30 (13) At any time during proceedings conducted under this section, the commission may
 31 enter into a negotiated settlement with the person who is the subject of action under this
 32 section.

33 [(11)] (14) As used in this section:

34 (a) "Cause" means that there is a substantial, objective basis for believing that an offense or
 35 violation may have been committed and the person who is the subject of an inquiry may have com-
 36 mitted the offense or violation.

37 (b) "Pending" means that a prosecuting attorney is either actively investigating the factual basis
 38 of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has
 39 obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of ne-
 40 gotiating a plea.

41 **SECTION 2.** ORS 244.350 is amended to read:

42 244.350. (1) The Oregon Government Standards and Practices Commission or the court under
 43 ORS 244.260 [(8)] (7) may impose civil penalties not to exceed:

44 (a) Except as provided in paragraph (b) of this subsection, \$1,000 for [violating] violation of any
 45 provision of this chapter or any [resolution] rule adopted under this chapter.

1 (b) \$25,000 for violation of ORS 244.045.

2 (2)(a) **Except as provided in paragraph (b) this subsection**, the commission may impose civil
 3 penalties not to exceed \$1,000 for *[violating]* **violation of** any provision of ORS 192.660. *[However,]*

4 (b) A civil penalty may not be imposed under this subsection if the violation occurred as a re-
 5 sult of the governing body of the public body acting upon the advice of the public body’s counsel.

6 (3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708.

7 (4)(a) **The commission or the court may impose civil penalties on a person who fails to**
 8 **file a statement required under section 16 of this 2007 Act.**

9 (b) **Failure to file the required statement in timely fashion is prima facie evidence of a**
 10 **violation of section 16 of this 2007 Act.**

11 (c) **The commission or the court may impose a civil penalty of \$10 for each of the first**
 12 **14 days the statement is late and \$50 for each day thereafter. The maximum penalty that**
 13 **may be imposed under this subsection is \$5,000.**

14 [(4)] (5) Any penalty imposed under this section is in addition to and not in lieu of any other
 15 penalty or sanction that may be imposed according to law, including removal from office.

16 **SECTION 3.** ORS 244.400 is amended to read:

17 244.400. (1) A public official or person described in ORS 171.778 who prevails following a con-
 18 tested case hearing under this chapter or a lawsuit under ORS 244.260 shall be awarded reasonable
 19 attorney fees at the conclusion of the contested case or on appeal.

20 (2) Upon prevailing following *[the conclusion of]* a contested case **hearing** or lawsuit, the public
 21 official or person may petition the Circuit Court for Marion County for the purpose of determining
 22 the award of reasonable attorney fees. The Oregon Government Standards and Practices Commission
 23 shall be named as a respondent in the petition. The petitioner and respondent shall follow the pro-
 24 cedure provided in ORCP 68 for the determination of reasonable attorney fees. The court shall give
 25 precedence on its docket to petitions filed under this subsection as the circumstances may require.

26 (3) *[The Court of Appeals]* **An appellate court** shall award reasonable attorney fees to the
 27 public official or person if the public official **or person** prevails on appeal from any *[decisions]* **de-**
 28 **cision** of the commission or of the Marion County Circuit Court.

29 (4) Attorney fees to be awarded under this section shall be only those fees incurred by the
 30 public official or person from the time the commission notifies the public official or person that it
 31 has entered an order to move to a contested case proceeding.

32 (5) Any attorney fees awarded to the public official **or person** pursuant to this section shall be
 33 paid **by the commission from moneys appropriated or allocated to the commission** from the
 34 General Fund.

35 **SECTION 4.** ORS 244.320 is amended to read:

36 244.320. (1) The Oregon Government Standards and Practices Commission shall *[cause to have*
 37 *prepared and published]* **prepare and publish** a manual on government ethics that explains *[in terms*
 38 *understandable to legislative and public officials and the public]* the requirements of this chapter and
 39 the commission’s interpretation of those requirements whether stated by rule or in an opinion. **The**
 40 **manual shall set forth recommended uniform reporting methods for use by persons filing**
 41 **statements under this chapter.**

42 (2) **In preparing the manual**, the commission shall *[be guided in preparing its manual by]*
 43 **consider the format of** the manual prepared by the Attorney General to guide public officials and
 44 the public in the requirements of ORS chapter 192.

45 (3) The *[manual required by this section shall be updated]* **commission shall update the manual**

1 as often as the commission believes necessary but no less frequently than once every four years.

2 **(4) To the extent practicable, the commission shall distribute copies of the manual to**
 3 **every public official. In distributing the manual, the commission shall seek the assistance**
 4 **of professional associations that represent public officials.**

5 **SECTION 5.** ORS 244.290 is amended to read:

6 244.290. The Oregon Government Standards and Practices Commission shall:

7 (1) Prescribe forms for statements required by this chapter and provide the forms to persons
 8 required to file the statements under this chapter or a resolution adopted [*pursuant thereto*] **under**
 9 **ORS 244.160.**

10 [(2) *Prepare, publish and provide a manual setting forth recommended uniform methods of report-*
 11 *ing for use by persons filing statements under this chapter or resolution adopted pursuant thereto.*]

12 [(3)] **(2)** Develop a filing, coding and cross-indexing system consistent with the purposes of this
 13 chapter.

14 [(4)] **(3)** Prepare and publish such reports as the commission finds necessary.

15 [(5)] **(4)** Adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992
 16 and this chapter, including rules to:

17 (a) Create a procedure under which items before the commission may be treated under a consent
 18 calendar and voted on as a single item;

19 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
 20 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
 21 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
 22 the public disclosure;

23 (c) Establish an administrative process whereby a person subpoenaed by the commission may
 24 obtain a protective order; and

25 (d) List criteria and establish a process for the commission to use prosecutorial discretion to
 26 decide whether to proceed with an inquiry or investigation.

27 **SECTION 6.** ORS 244.340 is amended to read:

28 244.340. The Oregon Government Standards and Practices Commission shall prepare and present
 29 a program of continuing education for public officials. [*and lobbyists. For this purpose,*] The com-
 30 mission may use its own staff or may contract for the preparation [*and*] **or** presentation of [*this*
 31 *program, or both*] **the program of continuing education.**

32 **SECTION 7.** ORS 244.160 is amended to read:

33 244.160. **(1)** Any political subdivision in this state other than a city or county by resolution may
 34 require any public official of the subdivision to file a verified statement of economic interest. The
 35 filing shall be made with the Oregon Government Standards and Practices Commission. A copy of
 36 the [*ordinance*] **resolution** shall be filed with the commission.

37 **(2) A failure to file a statement required by resolution under this section is considered**
 38 **a violation of a provision of this chapter.**

39 **SECTION 8.** ORS 244.380 is amended to read:

40 244.380. (1) In the event that a public official or candidate subject to the requirements of this
 41 chapter[,] fails to file a statement of economic [*interests required by this chapter, or by resolution*
 42 *adopted pursuant thereto,*] **interest required under this chapter or a resolution adopted under**
 43 **ORS 244.160,** the following actions shall be taken, irrespective of other penalties [*which*] **that** may
 44 be imposed pursuant to this chapter if, after a hearing has been granted the public official and a
 45 penalty is imposed under ORS 244.370, the public official continues to refuse to file a statement of

1 economic *[interests]* **interest:**

2 (a) Except as to judges, *[no]* compensation *[shall]* **may not** be paid to a salaried public official.
 3 Upon notice to the Oregon Department of Administrative Services or to the appropriate local au-
 4 thority from the Oregon Government Standards and Practices Commission of the failure to file the
 5 required *[report]* **statement** when due, compensation shall be withheld and the public official shall
 6 be barred from beginning or continuing to exercise the official duty of the public official until *[such*
 7 *time as]* the public official complies with the requirements of this chapter. In the case of a public
 8 official who receives no compensation, the public official *[shall be]* **is** barred from beginning or
 9 continuing the exercise of the official duty of the public official until *[such time as]* a statement is
 10 filed as required under this chapter.

11 (b) Upon notice from the commission to the chief elections officer of the failure to file the
 12 statement required by this chapter, the chief elections officer shall:

13 (A) If the notice is received on or before the 61st day before the date of the election, cause the
 14 name of the candidate for public office to be removed from the ballot on which the name of the
 15 candidate would otherwise appear; or

16 (B) If the candidate has been nominated or elected, refuse to issue a certificate of nomination
 17 or election.

18 (2) If the name of a candidate for public office is removed from the ballot as provided in sub-
 19 section (1) of this section, the name shall be removed in accordance with ORS 254.165.

20
 21 **LEGAL EXPENSE TRUST FUND**

22
 23 **SECTION 9.** Sections 10 to 18 of this 2007 Act are added to and made a part of ORS
 24 chapter 244.

25 **SECTION 10.** (1) Subject to the authorization of the Oregon Government Standards and
 26 Practices Commission as described in section 12 of this 2007 Act, a public official may es-
 27 tablish a legal expense trust fund if the public official incurs or reasonably expects to incur
 28 legal expenses described in subsection (2) of this section.

29 (2) Proceeds from the trust fund may be used by the public official to defray legal ex-
 30 penses incurred by the public official in defending the public official in any civil, criminal or
 31 other legal proceeding or investigation that:

32 (a) Is brought or maintained by a public body as defined in ORS 174.109; and

33 (b) Relates to or arises from the course and scope of duties of the person as a public
 34 official.

35 (3) Except as provided in subsection (2) of this section, a public official may not use
 36 proceeds from the trust fund for any personal use.

37 (4) A public official may not establish or maintain more than one legal expense trust fund
 38 at any one time.

39 (5) A public official who establishes a legal expense trust fund may not solicit, receive
 40 or handle any contributions to the fund.

41 (6) The provisions of ORS chapter 130 do not apply to a trust fund established under
 42 sections 10 to 18 of this 2007 Act.

43 **SECTION 11.** (1) The proceeds of a legal expense trust fund may be used to:

44 (a) Defray legal expenses described in section 10 of this 2007 Act;

45 (b) Defray costs reasonably incurred in administering the trust fund, including but not

1 limited to costs incident to the solicitation of funds; and

2 (c) Discharge any tax liabilities incurred as a result of the creation, operation or admin-
3 istration of the trust fund.

4 (2) The proceeds of a trust fund may also be used to defray or discharge expenses, costs
5 or liabilities incurred before the fund was established if the expenses, costs or liabilities are
6 related to the legal proceeding for which the fund was established.

7 **SECTION 12.** (1) A public official may apply to establish a legal expense trust fund by
8 filing an application with the Oregon Government Standards and Practices Commission. The
9 application must contain:

10 (a) A copy of an executed trust agreement described in subsection (2) of this section;

11 (b) A sworn affidavit described in subsection (3) of this section signed by the public offi-
12 cial; and

13 (c) A sworn affidavit described in subsection (4) of this section signed by the trustee.

14 (2) The trust agreement must contain the following:

15 (a) A provision incorporating by reference the provisions of sections 10 to 18 of this 2007
16 Act; and

17 (b) A designation of a trustee who meets the requirements of section 13 of this 2007 Act.

18 (3) The affidavit of the public official must state:

19 (a) The nature of the legal proceeding that requires establishment of the trust fund;

20 (b) That the public official will comply with the provisions of sections 10 to 18 of this 2007
21 Act; and

22 (c) That the public official is responsible for the proper administration of the trust fund,
23 even though a trustee of the fund has been designated.

24 (4) The affidavit of the trustee must state that the trustee:

25 (a) Has read and understands sections 10 to 18 of this 2007 Act; and

26 (b) Consents to administer the trust fund in compliance with sections 10 to 18 of this 2007
27 Act.

28 (5) Upon receiving an application under this section, the commission shall review the
29 trust agreement, the affidavits and any supporting documents or instruments filed to deter-
30 mine whether the application meets the requirements of sections 10 to 18 of this 2007 Act.
31 If the commission determines that the application meets the requirements of sections 10 to
32 18 of this 2007 Act, the commission shall grant written authorization to the public official to
33 establish the trust fund.

34 (6) The commission shall review the quarterly statements required under section 16 of
35 this 2007 Act and shall monitor the activities of each trust fund to ensure continued com-
36 pliance with sections 10 to 18 of this 2007 Act.

37 (7) Unless subject to the attorney-client privilege, all documents required to be filed re-
38 lating to the creation and administration of a trust fund are public records subject to dis-
39 closure as provided in ORS 192.410 to 192.505.

40 (8) A public official may not establish a legal expense trust fund without receiving prior
41 written authorization of the commission as described in this section.

42 (9) A public official may file an amendment to a trust agreement approved as part of a
43 trust fund under this section. The commission shall approve the amendment if the commis-
44 sion determines the amendment meets the requirements of sections 10 to 18 of this 2007 Act.

45 **SECTION 13.** (1) The trustee of a legal expense trust fund is responsible for:

- 1 (a) The receipt and deposit of contributions to the trust fund;
- 2 (b) The authorization of expenditures and disbursements from the trust fund;
- 3 (c) The filing of quarterly statements required under section 16 of this 2007 Act; and
- 4 (d) The performance of other tasks incident to the administration of the trust fund.

5 (2) The trustee may not:

6 (a) Be a public official who serves the same public body as the public official who estab-
7 lishes the trust fund;

8 (b) Be a relative of the public official who establishes the trust fund;

9 (c) Be an attorney for the public official in the legal proceeding for which the trust fund
10 is established, or a member, partner, associate or employee of the firm employing the at-
11 torney; or

12 (d) Have a business or employment relationship with the public official who establishes
13 the trust fund.

14 **SECTION 14.** (1) Except as provided in subsection (3) of this section, any person may
15 contribute to a legal expense trust fund established under sections 10 to 18 of this 2007 Act.

16 (2) A person may make contributions of moneys to a legal expense trust fund in unlim-
17 ited amounts. Pro bono legal assistance and other in-kind assistance may also be provided
18 without limit and is considered a contribution subject to the reporting requirements of sec-
19 tion 16 of this 2007 Act.

20 (3) A political committee as defined in ORS 260.005 that is a principal campaign commit-
21 tee may not contribute to a legal expense trust fund.

22 **SECTION 15.** (1) A trustee of a legal expense trust fund shall establish a single exclusive
23 account in a financial institution, as defined in ORS 706.008. The financial institution must
24 be located in this state and must ordinarily conduct business with the general public in this
25 state.

26 (2) The trustee shall maintain the account in the name of the trust fund.

27 (3) All expenditures made by the trustee shall be drawn from the account and:

28 (a) Issued on a check signed by the trustee; or

29 (b) Paid using a debit card or other form of electronic transaction.

30 (4) A contribution received by a trustee shall be deposited into the account not later than
31 seven calendar days after the date the contribution is received. This subsection does not
32 apply to in-kind contributions received.

33 (5) This section does not prohibit the transfer of any amount deposited in the account
34 into a certificate of deposit, stock fund or other investment instrument.

35 (6) The account may not include any public or private moneys or any moneys of any
36 other person, other than contributions received by the trustee.

37 (7) A trustee shall retain a copy of each financial institution account statement from the
38 account described in this section for not less than two years after the date the statement is
39 issued by the financial institution.

40 **SECTION 16.** (1) The trustee of a legal expense trust fund shall, according to the schedule
41 described in subsection (3) of this section, file with the Oregon Government Standards and
42 Practices Commission a statement for the applicable reporting period showing contributions
43 received by the trustee and expenditures made from the trust fund account established under
44 section 15 of this 2007 Act.

45 (2) Each statement shall list:

1 (a) The name and address of each person who contributed an aggregate amount of more
 2 than \$75, and the total amount contributed by that person;

3 (b) The total amount of contributions not listed under paragraph (a) of this subsection
 4 as a single item, but shall specify how those contributions were obtained;

5 (c) The amount and purpose of each expenditure and the name and address of each payee;
 6 and

7 (d) The name and address of any person contributing pro bono legal assistance and the
 8 fair market value of the assistance provided by the person.

9 (3) Statements required to be filed with the commission under this section shall be filed
 10 in each calendar year:

11 (a) Not later than April 15, for the accounting period beginning January 1 and ending
 12 March 31;

13 (b) Not later than July 15, for the accounting period beginning April 1 and ending June
 14 30;

15 (c) Not later than October 15, for the accounting period beginning July 1 and ending
 16 September 30; and

17 (d) Not later than January 7 of the following calendar year, for the accounting period
 18 beginning October 1 and ending December 31.

19 (4) If no contributions are received and no expenditures made during the reporting pe-
 20 riod, the trustee shall file a statement indicating that no contributions were deposited and
 21 no expenditures were made.

22 (5) The trustee may amend a statement filed under this section without penalty if the
 23 amendment is filed with the commission not later than 30 days after the deadline for filing
 24 the statement.

25 **SECTION 17.** (1) A legal expense trust fund established under sections 10 to 18 of this
 26 2007 Act may be terminated by:

27 (a) The public official who established the trust fund;

28 (b) Subject to subsection (2) of this section, the terms of the trust agreement; or

29 (c) The Oregon Government Standards and Practices Commission following a determi-
 30 nation by the commission that a violation of any provision of ORS chapter 244 has occurred
 31 in connection with the trust fund.

32 (2) A trust agreement may provide that a legal expense trust fund is terminated not later
 33 than six months following the completion of the legal proceeding for which the fund was es-
 34 tablished. Upon application of the public official who established the trust fund, the com-
 35 mission may extend the existence of the trust fund to a specified date if the commission
 36 determines that the public official has incurred legal expenses that exceed the balance re-
 37 maining in the fund. If the commission extends the existence of the trust fund, the trust
 38 fund terminates on the date the extension expires.

39 (3) Following termination of a legal expense trust fund, the trustee may not accept con-
 40 tributions to or make expenditures from the fund.

41 (4) Not later than 30 days after a trust fund is terminated, the trustee of the fund shall
 42 file with the commission a final report listing the totals of all contributions made to the fund
 43 and all expenditures made from the fund.

44 **SECTION 18.** (1) Not later than 30 days after a legal expense trust fund is terminated,
 45 the trustee of the fund shall return any moneys remaining in the fund to contributors to the

1 **fund on a pro rata basis.**

2 (2) **If the legal proceeding for which the trust fund was established results in an award**
 3 **of attorney fees, costs or any other money judgment award to or in favor of the public offi-**
 4 **cial, amounts awarded shall be distributed in the following order:**

5 (a) **To pay outstanding legal expenses;**

6 (b) **To contributors to the trust fund on a pro rata basis; and**

7 (c) **To the public official or, if required by the trust agreement, to an organization exempt**
 8 **from taxation under section 501(c)(3) of the Internal Revenue Code.**

9 **SECTION 19.** ORS 244.020 is amended to read:

10 244.020. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

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

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

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

40 (7)(a) "Gift" means something of economic value given to a public official or *[the public*
 41 *official's]* **a relative of the public official:**

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

1 (B) For valuable consideration less than that required from others who are not public officials.
 2 [However, “gift” does not mean:]

3 (b) “Gift” does not mean:

4 [(a) Campaign contributions, as described in ORS chapter 260.]

5 (A) Contributions as defined in ORS 260.005.

6 [(b)] (B) Gifts from family members.

7 (C) Contributions made to a legal expense trust fund established under section 12 of this
 8 2007 Act for the benefit of the public official.

9 [(c)] (D) The giving or receiving of food, lodging and travel when participating in an event which
 10 bears a relationship to the public official’s office and when appearing in an official capacity, subject
 11 to the reporting requirement of ORS 244.060 (6).

12 [(d)] (E) The giving or receiving of food or beverage if the food or beverage is consumed by the
 13 public official or the public official’s relatives in the presence of the purchaser or provider thereof.

14 [(e)] (F) The giving or receiving of entertainment if the entertainment is experienced by the
 15 public official or the public official’s relatives in the presence of the purchaser or provider thereof
 16 and the value of the entertainment does not exceed \$100 per person on a single occasion and is not
 17 greater than \$250 in any one calendar year.

18 (8) [“Honoraria”] “**Honorarium**” means a payment or something of economic value given to a
 19 public official in exchange for services upon which custom or propriety prevents the setting of a
 20 price. Services include, but are not limited to, speeches or other services rendered in connection
 21 with an event at which the public official appears in an official capacity.

22 (9) “Income” means income of any nature derived from any source, including, but not limited to,
 23 any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness
 24 of indebtedness, or anything of economic value.

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

28 (11) “Legislative official” means any member or member-elect of the Legislative Assembly, any
 29 member of an agency, board or committee that is part of the legislative branch and any staff person,
 30 assistant or employee thereof.

31 (12) “Member of household” means any relative who resides with the public official.

32 (13) “Planning commission” means a county planning commission created under ORS chapter 215
 33 or a city planning commission created under ORS chapter 227.

34 (14) “Potential conflict of interest” means any action or any decision or recommendation by a
 35 person acting in a capacity as a public official, the effect of which could be to the private pecuniary
 36 benefit or detriment of the person or the person’s relative, or a business with which the person or
 37 the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the fol-
 38 lowing:

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

41 (b) Any action in the person’s official capacity which would affect to the same degree a class
 42 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or
 43 other group including one of which or in which the person, or the person’s relative or business with
 44 which the person or the person’s relative is associated, is a member or is engaged. The **Oregon**
 45 **Government Standards and Practices** Commission may by rule limit the minimum size of or oth-

erwise establish criteria for or identify the smaller classes that qualify under this exception.

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

(15) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.

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

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

(18) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

(19) "Zoning commission" means an entity to which is delegated at least some of the discretionary authority of a planning commission or governing body relating to zoning and land use matters.

SECTION 20. ORS 244.040 is amended to read:

244.040. *[The following actions are prohibited regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:]*

[(1)(a)] (1) *[No]* **Except as provided in subsection (2) of this section, a public official [shall] may not** use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment *[that would not otherwise be available but for the public official's holding of the official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional achievement for the public official or the public official's relative, or for]* **for the public official or a relative of the public official, or** any business with which the public official or a relative of the public official is associated*[,]*, **if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.**

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt of an honorarium by a public official or a relative of the public official.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Contributions made to a legal expense trust fund established under section 12 of this 2007 Act for the benefit of the public official.

[(b)] (3) *[No]* **A statewide official [shall] may not** solicit or receive, whether directly or indirectly, honoraria for the statewide official or for any member of the household of the official. No candidate for statewide office shall solicit or receive, whether directly or indirectly, honoraria for the candidate or for any member of the household of the candidate.

[(c)] (4) *[No]* **A legislative official [shall] may not** solicit or receive, whether directly or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for an appearance within the state or for an appearance during a legislative session, regardless of location, for the legislative

1 official or for any member of the household of the official, except that a legislative official may so-
 2 licit or receive honoraria for services performed in relation to the private profession or occupation
 3 of the legislative official. No candidate for legislative office shall solicit or receive, whether directly
 4 or indirectly, honoraria in an amount in excess of \$1,500 or in any amount for an appearance within
 5 the state for the candidate or for any member of the household of the candidate, except that a
 6 candidate for legislative office may solicit or receive honoraria for services performed in relation
 7 to the private profession or occupation of the legislative official.

8 [(d)] (5) Any public official not described in [paragraph (b) or (c) of this subsection] **subsection**
 9 **(3) or (4) of this section** or a member of the public official's household may receive honoraria.

10 [(2)] (6) No public official or candidate for office or a relative of the public official or candidate
 11 shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts
 12 with an aggregate value in excess of \$100 from any single source who could reasonably be known
 13 to have a legislative or administrative interest in any governmental agency in which the official has
 14 or the candidate if elected would have any official position or over which the official exercises or
 15 the candidate if elected would exercise any authority.

16 [(3)] (7) [No] A public official [shall] **may not** solicit or receive, either directly or indirectly, and
 17 no person shall offer or give to any public official any pledge or promise of future employment, based
 18 on any understanding that such public official's vote, official action or judgment would be influenced
 19 thereby.

20 [(4)] (8) [No] A public official [shall] **may not** attempt to further or further the personal gain
 21 of the public official through the use of confidential information gained in the course of or by reason
 22 of the official position or activities of the public official in any way.

23 [(5)] (9) [No] A person [shall] **may not** offer during any calendar year any gifts with an aggre-
 24 gate value in excess of \$100 to any public official or candidate therefor or a relative of the public
 25 official or candidate if the person has a legislative or administrative interest in a governmental
 26 agency in which the official has or the candidate if elected would have any official position or over
 27 which the official exercises or the candidate if elected would exercise any authority.

28 [(6)] (10) [No] A person [shall] **may not** attempt to represent or represent a client for a fee be-
 29 fore the governing body of a public body of which the person is a member. This subsection does not
 30 apply to the person's employer, business partner or other associate.

31 **(11) The provisions of this section apply regardless of whether actual conflicts of interest**
 32 **or potential conflicts of interest are announced or disclosed under ORS 244.120.**

33
 34 **CONFORMING AMENDMENTS**
 35

36 **SECTION 21.** ORS 244.060 is amended to read:

37 244.060. The statement of economic interest filed under ORS 244.050, shall be on a form pre-
 38 scribed by the Oregon Government Standards and Practices Commission, and the person filing the
 39 statement shall supply the information required by this section and ORS 244.090, as follows:

40 (1) The name of all positions as officer of a business and business directorships held by the
 41 person or a member of the household of the person during the preceding calendar year.

42 (2) All names under which the person and members of the household of the person do business.

43 (3) Sources of income received at any time during the preceding calendar year by the person
 44 or a member of the household of the person that produce 10 percent or more of the total annual
 45 household income.

1 (4) The name, principal address and brief description of the source of income from which 50
 2 percent or more of the total annual income of the person and members of the household of the
 3 person was received during the preceding calendar year and whether the source existed during the
 4 preceding year, and whether the source is derived from an entity that now does business or could
 5 reasonably be expected to do business or has legislative or administrative interest in the govern-
 6 mental agency of which the public official is or the candidate if elected would be a member or over
 7 which the public official has or the candidate if elected would have authority.

8 (5)(a) The listing of all real property in which the public official or candidate therefor or a
 9 member of the household of the public official or candidate has or has had any personal, beneficial
 10 ownership interest during the preceding calendar year, any options to purchase or sell real property,
 11 including a land sales contract, and any other rights of any kind in real property located within the
 12 geographic boundaries of the governmental agency of which the public official is or the candidate
 13 if elected would be a member or over which the public official has or the candidate if elected would
 14 have authority.

15 (b) This subsection does not require the listing of the principal residence of the public official
 16 or candidate.

17 (6)(a) Notwithstanding ORS 244.020 [(7)(c)] **(7)(b)(D)**, if a public official has received food, lodg-
 18 ing and payment of travel expenses exceeding \$100 when participating in an event which bears a
 19 relationship to the public official's office and when appearing in an official capacity, the name, na-
 20 ture and business address of the organization paying the expenses and the date and amount of that
 21 expenditure.

22 (b) Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection
 23 shall be adjusted annually by the commission based upon the change in the Portland Consumer Price
 24 Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the
 25 United States Department of Labor or its successor during the preceding 12-month period. The
 26 amount determined under this paragraph shall be rounded to the nearest dollar.

27 (7) Any honoraria exceeding \$50 received during the preceding calendar year by the person or
 28 a member of the household of the person, the payer of the honoraria and the date and time of the
 29 event for which the honoraria was received.

30
 31 **MISCELLANEOUS PROVISIONS**

32
 33 **SECTION 22. ORS 244.340 and 244.345 are added to and made a part of ORS chapter 244.**

34 **SECTION 23. ORS 244.330 is repealed.**

35 **SECTION 24. The amendments to ORS 244.160, 244.260, 244.380 and 244.400 by sections 1,**
 36 **3, 7 and 8 of this 2007 Act apply to complaints filed and actions taken by the Oregon Gov-**
 37 **ernment Standards and Practices Commission on its own motion on or after the effective**
 38 **date of this 2007 Act.**

39 **SECTION 25. (1) Sections 10 to 18 of this 2007 Act and the amendments to ORS 244.020,**
 40 **244.040, 244.060 and 244.350 by sections 2 and 19 to 21 of this 2007 Act apply to legal expense**
 41 **trust funds established for legal proceedings commenced prior to, on or after the effective**
 42 **date of this 2007 Act.**

43 **(2) The amendments to ORS 244.020, 244.040 and 244.060 by sections 19 to 21 of this 2007**
 44 **Act apply to contributions made to legal expense trust funds on or after the effective date**
 45 **of this 2007 Act.**

1 **(3) The amendments to ORS 244.350 by section 2 of this 2007 Act apply to violations of**
2 **any provision of ORS chapter 244 or any rule adopted under ORS chapter 244 occurring on**
3 **or after the effective date of this 2007 Act.**

4 **SECTION 26.** **The unit captions used in this 2007 Act are provided only for the conven-**
5 **ience of the reader and do not become part of the statutory law of this state or express any**
6 **legislative intent in the enactment of this 2007 Act.**

7
