

B-Engrossed Senate Bill 10

Ordered by the Senate June 18
Including Senate Amendments dated April 5 and June 18

Sponsored by Senators BROWN, COURTNEY (Presession filed.)

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.

Directs Oregon Government Standards and Practices Commission to charge public bodies, special government bodies, local governments and local service districts [*specified*] **proportionate** amounts for purposes of funding activities of commission.

Increases amount of reportable lobbying expenditures. Requires, on January 1, 2010, quarterly online filing of expenditure statements by lobbyists and persons on whose behalf lobbyist was registered. Directs commission to allow public access to statements using Internet.

Increases amount of civil penalties that may be imposed for violation of lobbying or government ethics law from \$1,000 to \$5,000. Prohibits candidate from using political contributions to pay criminal or civil penalties. Exempts civil penalties related to or arising from course and scope of duties of public official.

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 public official from receiving in calendar year gifts with value exceeding \$50 from source with legislative or administrative interest.

Allows public official to receive items exempted from definition of gift from person with legislative or administrative interest. Allows public official to receive gift from source that does not have legislative or administrative interest in governmental agency in which official has official position.

Exempts judges or public officials serving judicial department from gift limits.

Modifies required contents of statement of economic interest.

Requires public officials and candidates to file quarterly statements with commission listing expenses received when participating in an official meeting, honoraria exceeding \$15 and each source of income exceeding aggregate amount of \$1,000 from source that does business with or has legislative or administrative interest in governmental agency served by public official or candidate.

Requires person with legislative or administrative interest who pays expenses of official meeting or provides honoraria to report to commission and to notify recipient of value. Sets schedule for filing reports. Prescribes content of reports.

Prohibits public officials and candidates for public office from receiving honoraria in connection with official duties. Exempts honoraria or other items with value of \$50 or less.

Authorizes public official to establish legal expense trust fund 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 by Oregon Government Standards and Practices Commission.

Prohibits personal use of legal expense 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.

Declares emergency, effective on passage.

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A BILL FOR AN ACT

Relating to government ethics; creating new provisions; amending ORS 171.745, 171.750, 171.772, 171.992, 244.020, 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.280, 244.290, 244.350, 244.360, 260.407, 293.708, 351.067 and 353.270; and declaring an emergency.

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

COMMISSION FUNDING

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 **SECTION 1.** Section 2 of this 2007 Act is added to and made a part of ORS chapter 244.

2 **SECTION 2.** (1) The Oregon Government Standards and Practices Commission shall es-
3 timate in advance the expenses that it will incur during a biennium in carrying out the pro-
4 visions of ORS 171.725 to 171.785 and 171.992 and this chapter. The commission shall also
5 determine what percentage of the expenses should be borne by the following two groups of
6 public bodies:

7 (a) Public bodies in state government and special government bodies that are not subject
8 to the Municipal Audit Law; and

9 (b) Local governments, local service districts and special government bodies that are
10 subject to the Municipal Audit Law.

11 (2) The commission shall charge each public body for the public body's share of the ex-
12 penses described in subsection (1) of this section for the biennium. The amount to be charged
13 each public body shall be determined as follows:

14 (a) The commission shall determine the rate to be charged public bodies in state gov-
15 ernment and those special government bodies that are not subject to the Municipal Audit
16 Law. The same rate shall be applied to each public body described in this paragraph. To de-
17 termine the amount of the charge for each public body, the commission shall multiply the
18 rate determined under this paragraph by the number of public officials serving the public
19 body.

20 (b) The commission shall set the charge for local governments, local service districts and
21 special government bodies that are subject to the Municipal Audit Law so that each local
22 government, local service district or special government body described in this paragraph
23 pays an amount of the total expenses for the group that bears the same proportion to the
24 total expenses that the amount charged to the local government, local service district or
25 special government body for the municipal audit fee under ORS 297.485 bears to the total
26 amount assessed for the municipal audit fee.

27 (3) Each public body shall pay to the credit of the commission the charge described in
28 this section as an administrative expense from funds or appropriations available to the public
29 body in the same manner as other claims against the public body are paid.

30 (4) All moneys received by the commission under this section shall be credited to the
31 Oregon Government Standards and Practices Commission Account established under ORS
32 244.345.

33 (5) The commission shall adopt rules specifying the methods for calculating and collecting
34 the rates and charges described in this section.

35 (6) As used in this section:

36 (a) "Local government" and "local service district" have the meanings given those terms
37 in ORS 174.116.

38 (b) "Public body" has the meaning given that term in ORS 174.109.

39 (c) "Public official," notwithstanding ORS 244.020 (13), means any person who, on the date
40 the commission charges the public body under this section, is serving the public body as an
41 officer, employee, agent or otherwise, irrespective of whether the person is compensated for
42 the services.

43 (d) "Special government body" has the meaning given that term in ORS 174.117.

44 (e) "State government" has the meaning given that term in ORS 174.111.

45 **SECTION 3.** The Oregon Government Standards and Practices Commission shall first

1 **impose charges under section 2 of this 2007 Act for the biennium beginning July 1, 2009.**

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3 **REPORTING REQUIREMENTS**

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5 **SECTION 4.** Section 5 of this 2007 Act is added to and made a part of ORS 171.725 to
6 **171.785.**

7 **SECTION 5.** Statements required to be filed with the Oregon Government Standards and
8 **Practices Commission under ORS 171.745 and 171.750 shall be filed in each calendar year:**

9 (1) **Not later than April 15, for the accounting period beginning January 1 and ending**
10 **March 31;**

11 (2) **Not later than July 15, for the accounting period beginning April 1 and ending June**
12 **30;**

13 (3) **Not later than October 15, for the accounting period beginning July 1 and ending**
14 **September 30; and**

15 (4) **Not later than January 7 of the following calendar year, for the accounting period**
16 **beginning October 1 and ending December 31.**

17 **SECTION 6.** ORS 171.745 is amended to read:

18 171.745. (1) A lobbyist registered with the Oregon Government Standards and Practices Com-
19 mission or required to register with the commission shall, [*on January 31 and July 31, of each*
20 *even-numbered year, and on January 31, April 30 and July 31 of each odd-numbered year*] **according**
21 **to the schedule described in section 5 of this 2007 Act,** file with the commission a statement
22 showing **for the applicable reporting period:**

23 (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying [*in the*
24 *preceding reporting period*] for:

25 (A) Food, refreshments and entertainment;

26 (B) Printing, postage and telephone;

27 (C) Advertising, public relations, education and research; and

28 (D) Miscellaneous; and

29 [*(b) The name of any legislative or executive official to whom or for whose benefit, on any one oc-*
30 *casión, an expenditure in excess of \$25 is made for the purposes of lobbying, and the date, name of*
31 *payee, purpose and amount of that expenditure.*]

32 **(b) The name of any legislative or executive official to whom or for whose benefit, on any**
33 **one occasion, an expenditure is made for the purposes of lobbying, and the date, name of**
34 **payee, purpose and amount of that expenditure. This paragraph applies if the total amount**
35 **expended on the occasion by one or more persons exceeds \$50.**

36 (2) Beginning on July 1, [*1979*] **2009**, the dollar amount specified in subsection (1)(b) of this sec-
37 tion shall be adjusted annually by the commission based upon the change in the Portland Consumer
38 Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics
39 of the United States Department of Labor or its successor during the preceding 12-month period.
40 The amount determined under this subsection shall be rounded to the nearest dollar.

41 (3) Statements required by this section need not include amounts expended by the lobbyist for
42 personal living and travel expenses and office overhead, including salaries and wages paid for staff
43 and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to
44 be included in a statement is not accurately known at the time the statement is required to be filed,
45 an estimate of the expenditure shall be submitted in the statement and designated as an estimate.

1 The exact amount expended for which a previous estimate was made shall be submitted in a subse-
2 quent report when the information is available.

3 (4) Notwithstanding ORS 171.735, 171.740 and subsections (1) to (3) of this section, a registered
4 lobbyist, who engages in lobbying activities without compensation on behalf of an organization is
5 not required to register as a lobbyist for the organization as long as the lobbying activity does not
6 exceed the financial or time limits set in ORS 171.735 (4).

7 (5) A statement required by this section shall include a copy of any notice provided to a public
8 official under ORS 244.100 [(3)] (2).

9 (6) For each statement required by this section, an entity comprised of more than one lobbyist
10 may file one statement that reports expenditures by the entity and not by individual lobbyists.

11 **SECTION 7.** ORS 171.750 is amended to read:

12 171.750. (1) Any person on whose behalf a lobbyist was registered, or was required to register,
13 with the Oregon Government Standards and Practices Commission at any time during the
14 [preceding] calendar year[,] shall file with the commission, [by January 31st of each year] **according**
15 **to the schedule described in section 5 of this 2007 Act**, a statement showing[,] for the [preceding
16 calendar year] **applicable reporting period**:

17 (a) The total amount of all moneys expended for lobbying activities on the person's behalf, ex-
18 cluding living and travel expenses incurred for a lobbyist performing lobbying services.

19 [(b) The name of any legislative or executive official to whom or for whose benefit, on any one oc-
20 casion, an expenditure in excess of \$25 for the purpose of lobbying is made by the person, but not in-
21 cluding information previously reported in compliance with ORS 171.745, and the date, name of payee,
22 purpose and amount of that expenditure.]

23 **(b) The name of any legislative or executive official to whom or for whose benefit, on any**
24 **one occasion, an expenditure is made for the purposes of lobbying by the person, and the**
25 **date, name of payee, purpose and amount of that expenditure. This paragraph applies if the**
26 **total amount expended on the occasion by one or more persons exceeds \$50. This paragraph**
27 **does not apply to information reported in compliance with ORS 171.745.**

28 (2) Using July 1, [1979] **2009**, as the base, the dollar amount specified in subsection (1)(b) of this
29 section shall be adjusted annually by the commission based upon the change in the Portland Con-
30 sumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Sta-
31 tistics of the United States Department of Labor, or its successor, during the preceding 12-month
32 period. The amount determined under this subsection shall be rounded to the nearest dollar.

33 (3) A statement required under subsection (1) of this section shall include a copy of any notice
34 provided to a public official under ORS 244.100 [(3)] (2).

35 **SECTION 8.** ORS 171.772 is amended to read:

36 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government
37 Standards and Practices Commission shall:

38 (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725
39 to 171.785[,] and provide [such] **the** forms to persons required to register and to file [such] **the**
40 statements and reports[;].

41 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
42 171.725 to 171.785[; and].

43 (3) Make registrations, statements and reports filed available for public inspection and copying
44 during regular office hours, and make copying facilities available at a charge not to exceed actual
45 cost.

1 (4) Adopt by rule an electronic filing system under which statements required to be filed
2 under ORS 171.745 and 171.750 may be filed with the commission in an electronic format. The
3 commission may not charge a fee for filing a statement under this subsection. The commis-
4 sion shall accept statements filed under ORS 171.745 and 171.750 in a format that is not
5 electronic.

6 (5) Provide training on procedures for filing statements under subsection (4) of this sec-
7 tion.

8 (6) Make statements filed under ORS 171.745 and 171.750, including statements that are
9 not filed in an electronic format, available in a searchable format for review by the public
10 using the Internet.

11 **SECTION 8a.** ORS 171.772, as amended by section 8 of this 2007 Act, is amended to read:

12 171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government
13 Standards and Practices Commission shall:

14 (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725
15 to 171.785 and provide the forms to persons required to register and to file the statements and re-
16 ports.

17 (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
18 171.725 to 171.785.

19 (3) Make registrations, statements and reports filed available for public inspection and copying
20 during regular office hours, and make copying facilities available at a charge not to exceed actual
21 cost.

22 (4) Adopt by rule an electronic filing system under which statements required to be filed under
23 ORS 171.745 and 171.750 *[may]* **must** be filed with the commission in an electronic format. The
24 commission may not charge a fee for filing a statement under this subsection. *[The commission shall*
25 *accept statements filed under ORS 171.745 and 171.750 in a format that is not electronic.]*

26 (5) Provide training on procedures for filing statements under subsection (4) of this section.

27 (6) Make statements filed under ORS 171.745 and 171.750, *including statements that are not filed*
28 *in an electronic format,*] available in a searchable format for review by the public using the Internet.

29 **SECTION 8b.** The amendments to ORS 171.772 by section 8a of this 2007 Act become op-
30 erative January 1, 2010.

31 **SECTION 9.** ORS 244.290 is amended to read:

32 244.290. (1) The Oregon Government Standards and Practices Commission shall:

33 *[(1)]* (a) Prescribe forms for statements required by this chapter and provide the forms to per-
34 sons required to file the statements under this chapter or resolution adopted *[pursuant thereto]* **un-**
35 **der this chapter.**

36 *[(2)]* (b) Prepare, publish and provide a manual setting forth recommended uniform methods of
37 reporting for use by persons filing statements under this chapter or resolution adopted *[pursuant*
38 *thereto]* **under this chapter.**

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

41 *[(4)]* (d) Prepare and publish *[such]* **any** reports *[as]* the commission *[finds]* **determines are**
42 necessary.

43 *[(5)]* (2) **The commission shall** adopt rules necessary to carry out its duties under ORS 171.725
44 to 171.785 and 171.992 and this chapter, including rules to:

45 (a) Create a procedure under which items before the commission may be treated under a consent

1 calendar and voted on as a single item;

2 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
3 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
4 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
5 the public disclosure;

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

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

10 **(3) The commission shall adopt by rule an electronic filing system under which state-**
11 **ments required to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act may**
12 **be filed, without a fee, with the commission in an electronic format. The commission shall**
13 **accept statements filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a**
14 **format that is not electronic.**

15 **(4) The commission shall make statements filed under ORS 244.050 and 244.100 and sec-**
16 **tion 35 of this 2007 Act, including statements that are not filed in an electronic format,**
17 **available in a searchable format for review by the public using the Internet.**

18 **SECTION 9a.** ORS 244.290, as amended by section 9 of this 2007 Act, is amended to read:

19 244.290. (1) The Oregon Government Standards and Practices Commission shall:

20 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
21 required to file the statements under this chapter or resolution adopted under this chapter.

22 (b) Prepare, publish and provide a manual setting forth recommended uniform methods of re-
23 porting for use by persons filing statements under this chapter or resolution adopted under this
24 chapter.

25 (c) Develop a filing, coding and cross-indexing system consistent with the purposes of this
26 chapter.

27 (d) Prepare and publish any reports the commission determines are necessary.

28 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
29 171.785 and 171.992 and this chapter, including rules to:

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

32 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
33 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
34 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
35 the public disclosure;

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

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

40 (3) The commission shall adopt by rule an electronic filing system under which statements re-
41 quired to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act [*may*] **must** be filed,
42 without a fee, with the commission in an electronic format. [*The commission shall accept statements*
43 *filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a format that is not*
44 *electronic.*]

45 (4) The commission shall make statements filed under ORS 244.050 and 244.100 and section 35

1 of this 2007 Act[, *including statements that are not filed in an electronic format,*] available in a
2 searchable format for review by the public using the Internet.

3 **SECTION 9b. The amendments to ORS 244.290 by section 9a of this 2007 Act become op-**
4 **erative January 1, 2010.**

5
6 **CIVIL PENALTIES**
7

8 **SECTION 10.** ORS 171.992 is amended to read:

9 171.992. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule
10 adopted [*pursuant thereto*] **under ORS 171.725 to 171.785**, shall forfeit and pay to the General Fund
11 **for each violation** a civil penalty [*for each violation*] of not more than [*\$1,000*] **\$5,000**, to be deter-
12 mined by the Oregon Government Standards and Practices Commission.

13 **(2)(a) The commission may impose civil penalties upon a person who fails to file the**
14 **statement required under ORS 171.745 or 171.750. In enforcing this subsection, the commis-**
15 **sion is not required to follow the procedures in ORS 171.778 before finding that a violation**
16 **of ORS 171.745 or 171.750 has occurred.**

17 **(b) Failure to file the required statement in timely fashion is prima facie evidence of a**
18 **violation of ORS 171.745 or 171.750.**

19 **(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the**
20 **statement is late beyond the date set by law and \$50 for each day thereafter. The maximum**
21 **penalty that may be imposed under this subsection is \$5,000.**

22 [(2)] (3) [*The*] **A civil penalty** [*referred to in subsection (1) of*] **imposed under** this section may
23 be recovered in an action brought [*thereon*] in the name of the State of Oregon in any court of ap-
24 propriate jurisdiction or may be imposed as provided in ORS 183.745. In any proceedings before the
25 court, including judicial review under ORS 183.745, the court may review the penalty as to both li-
26 ability and reasonableness of amount.

27 **(4) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil**
28 **penalty under this section, the commission may issue a written letter of reprimand, expla-**
29 **nation or education.**

30 **SECTION 11.** ORS 244.350 is amended to read:

31 244.350. (1) The Oregon Government Standards and Practices Commission or the court under
32 ORS 244.260 (8) may impose civil penalties not to exceed:

33 (a) Except as provided in paragraph (b) of this subsection, [*\$1,000*] **\$5,000** for [*violating*] **violation**
34 **of** any provision of this chapter or any resolution adopted under this chapter.

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

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

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

41 (3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708.
42 **A civil penalty imposed under this subsection is in addition to and not in lieu of a civil pen-**
43 **alty that may be imposed under subsection (1) of this section.**

44 **(4)(a) The commission may impose civil penalties upon a person who fails to file the**
45 **statement required under ORS 244.050 or 244.100 or section 35 of this 2007 Act. In enforcing**

1 **this subsection, the commission is not required to follow the procedures in ORS 244.260 be-**
2 **fore finding that a violation of ORS 244.050 or 244.100 or section 35 of this 2007 Act has oc-**
3 **curred.**

4 **(b) Failure to file the required statement in timely fashion is prima facie evidence of a**
5 **violation of ORS 244.050 or 244.100 or section 35 of this 2007 Act.**

6 **(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the**
7 **statement is late beyond the date set by law, or by the commission under ORS 244.050, and**
8 **\$50 for each day thereafter. The maximum penalty that may be imposed under this sub-**
9 **section is \$5,000.**

10 **(5) In lieu of or in conjunction with finding a violation of law or any resolution or im-**
11 **posing a civil penalty under this section, the commission may issue a written letter of**
12 **reprimand, explanation or education.**

13 [(4)] **(6) Any penalty imposed under this section is in addition to and not in lieu of any other**
14 **penalty or sanction that may be imposed according to law, including removal from office.**

15 **SECTION 12.** ORS 244.360 is amended to read:

16 244.360. [*The Oregon Government Standards and Practices Commission, in addition to civil pen-*
17 *alties prescribed in ORS 244.350, may require any public official who has financially benefited the*
18 *public official or any other person by violation of any provision of this chapter to forfeit twice the*
19 *amount that the public official or any other person realized from violating any provision of this*
20 *chapter.*] **In addition to civil penalties imposed under ORS 244.350, if a public official has fi-**
21 **nancially benefited the public official or any other person by violating any provision of this**
22 **chapter, the Oregon Government Standards and Practices Commission may impose upon the**
23 **public official a civil penalty in an amount equal to twice the amount the public official or**
24 **other person realized as a result of the violation.**

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

26 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
27 Government Standards and Practices Commission a verified statement of economic interest as re-
28 quired under this chapter:

29 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the
30 Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-
31 bers of the Legislative Assembly.

32 (b) Any judicial officer, including justices of the peace and municipal judges, except municipal
33 judges in those cities where a majority of the votes cast in the subject city in the 1974 general
34 election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws
35 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a
36 judicial officer.

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

38 (d) The Deputy Attorney General.

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

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

44 (g) The following state officers:

45 (A) Adjutant General.

- 1 (B) Director of Agriculture.
- 2 (C) Manager of State Accident Insurance Fund Corporation.
- 3 (D) Water Resources Director.
- 4 (E) Director of Department of Environmental Quality.
- 5 (F) Director of Oregon Department of Administrative Services.
- 6 (G) State Fish and Wildlife Director.
- 7 (H) State Forester.
- 8 (I) State Geologist.
- 9 (J) Director of Human Services.
- 10 (K) Director of the Department of Consumer and Business Services.
- 11 (L) Director of the Department of State Lands.
- 12 (M) State Librarian.
- 13 (N) Administrator of Oregon Liquor Control Commission.
- 14 (O) Superintendent of State Police.
- 15 (P) Director of the Public Employees Retirement System.
- 16 (Q) Director of Department of Revenue.
- 17 (R) Director of Transportation.
- 18 (S) Public Utility Commissioner.
- 19 (T) Director of Veterans' Affairs.
- 20 (U) Executive Director of Oregon Government Standards and Practices Commission.
- 21 (V) Director of the State Department of Energy.
- 22 (W) Director and each assistant director of the Oregon State Lottery.
- 23 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 24 (i) Every elected city or county official except elected officials in those cities or counties where
25 a majority of votes cast in the subject city or county in any election on the issue of filing statements
26 of economic interest under this chapter was in opposition.
- 27 (j) Every member of a city or county planning, zoning or development commission except such
28 members in those cities or counties where a majority of votes cast in the subject city or county at
29 any election on the issue of filing statements of economic interest under this chapter was in oppo-
30 sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special ses-
31 sion).
- 32 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
33 cipal administrator of the city or county except such employees in those cities or counties where a
34 majority of votes cast in the subject city or county in an election on the issue of filing statements
35 of economic interest under this chapter was in opposition.
- 36 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 37 (m) Every member of a governing body of a metropolitan service district and the executive of-
38 ficer thereof.
- 39 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 40 (o) The chief administrative officer and the financial officer of each common and union high
41 school district, education service district and community college district.
- 42 (p) Every member of the following state boards and commissions:
43 (A) Board of Geologic and Mineral Industries.
44 (B) Oregon Economic and Community Development Commission.
45 (C) State Board of Education.

- 1 (D) Environmental Quality Commission.
2 (E) Fish and Wildlife Commission of the State of Oregon.
3 (F) State Board of Forestry.
4 (G) Oregon Government Standards and Practices Commission.
5 (H) Oregon Health Policy Commission.
6 (I) State Board of Higher Education.
7 (J) Oregon Investment Council.
8 (K) Land Conservation and Development Commission.
9 (L) Oregon Liquor Control Commission.
10 (M) Oregon Short Term Fund Board.
11 (N) State Marine Board.
12 (O) Mass transit district boards.
13 (P) Energy Facility Siting Council.
14 (Q) Board of Commissioners of the Port of Portland.
15 (R) Employment Relations Board.
16 (S) Public Employees Retirement Board.
17 (T) Oregon Racing Commission.
18 (U) Oregon Transportation Commission.
19 (V) Wage and Hour Commission.
20 (W) Water Resources Commission.
21 (X) Workers' Compensation Board.
22 (Y) Oregon Facilities Authority.
23 (Z) Oregon State Lottery Commission.
24 (AA) Pacific Northwest Electric Power and Conservation Planning Council.
25 (BB) Columbia River Gorge Commission.
26 (CC) Oregon Health and Science University Board of Directors.
27 (q) The following officers of the State Treasury:
28 (A) Chief Deputy State Treasurer.
29 (B) Executive Assistant to the State Treasurer.
30 (C) Director of the Investment Division.
31 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
32 and 777.915 to 777.953.
33 (2) By April 15 next after the date an appointment takes effect, every appointed public official
34 on a board or commission listed in subsection (1) of this section shall file with the **Oregon Gov-**
35 **ernment Standards and Practices** Commission a statement of economic interest as required under
36 ORS 244.060, 244.070 and 244.090.
37 (3) By April 15 next after the filing deadline for the primary election, each candidate for
38 *[elective]* public office described in subsection (1) of this section shall file with the commission a
39 statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
40 (4) Within 30 days after the filing deadline for the general election, each candidate for
41 *[elective]* public office described in subsection (1) of this section who was not a candidate in the
42 preceding primary election, or who was nominated for *[elective]* public office described in subsection
43 (1) of this section at the preceding primary election by write-in votes, shall file with the commission
44 a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
45 *[(5) The Legislative Assembly shall maintain a continuing review of the operation of this*

1 *chapter.*]

2 [(6)] (5) Subsections (1) to [(5)] (4) of this section apply only to persons who are incumbent,
3 elected or appointed officials as of April 15 and to persons who are candidates for office on April
4 15. Those [sections] **subsections** also apply to persons who do not become candidates until 30 days
5 after the filing deadline for the statewide general election.

6 [(7)(a)] (6) *[Failure to file the statement required by this section subjects a person to a civil penalty*
7 *that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not re-*
8 *quire the Oregon Government Standards and Practices Commission to follow the procedures in ORS*
9 *244.260 before finding that a violation of this section has occurred.]*

10 [(b) *Failure to file the required statement in timely fashion shall be prima facie evidence of a vio-*
11 *lation of this section.*]

12 [(c) *If within five days after the date on which the statement is to be filed under this section the*
13 *statement has not been received by the commission,]* **If a statement required to be filed under this**
14 **section has not been received by the commission within five days after the date the state-**
15 **ment is due**, the commission shall notify the public official **or candidate** and give the public official
16 **or candidate** not less than 15 days to comply with the requirements of this section. If the public
17 official **or candidate** fails to comply by the date set by the commission, the commission may impose
18 a civil penalty *[of \$5 for each day the statement is late beyond the date fixed by the commission. The*
19 *maximum penalty that may be accrued under this section is \$1,000]* **as provided in ORS 244.350.**

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

22 **SECTION 14.** ORS 260.407 is amended to read:

23 260.407. (1) Except as provided in subsection (2) of this section, amounts received as contribu-
24 tions by a candidate or the principal campaign committee of a candidate for public office that are
25 in excess of any amount necessary to defray campaign expenditures and any other funds donated to
26 a holder of public office may be:

27 (a) Used to defray any expenses incurred in connection with the recipient's duties as a holder
28 of public office;

29 (b) Transferred to any national, state or local political committee of any political party;

30 (c) Contributed to any organization described in section 170(c) of Title 26 of the United States
31 Code or to any charitable corporation defined in ORS 128.620; or

32 (d) Used for any other lawful purpose.

33 (2) Notwithstanding subsection (1) of this section, amounts received as contributions by a can-
34 didate for public office that are in excess of any amount necessary to defray campaign expenditures
35 and other funds donated to a holder of public office *[shall]* **may** not be:

36 (a) Converted by any person to any personal use other than to defray any expenses incurred in
37 connection with the person's duties as a holder of public office or to repay to a candidate any loan
38 the proceeds of which were used in connection with the candidate's campaign;

39 (b) **Except as provided in this paragraph, used to pay any money award as defined in ORS**
40 **18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed**
41 **by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116.**
42 **Contributions described in this subsection may be used to pay a civil penalty imposed under**
43 **this chapter, other than a civil penalty imposed for a violation of this section or ORS 260.409;**
44 **or**

45 (c) **Except as provided in this paragraph, used to pay any legal expenses incurred by the**

1 **candidate or public official in any civil, criminal or other legal proceeding or investigation**
2 **that relates to or arises from the course and scope of the duties of the person as a candidate**
3 **or public official. Contributions described in this subsection may be used to pay legal ex-**
4 **penditures incurred by the candidate or public official in connection with a legal proceeding**
5 **brought under this chapter, other than a proceeding brought under this section or ORS**
6 **260.409.**

7 (3) As used in this section:

8 (a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits
9 or deposits of money that are donated for the purpose of supporting the activities of a holder of
10 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or
11 another similar public appropriating body or personal funds of the office holder donated to an ac-
12 count containing only those personal funds.

13 (b) "Public office" does not include national or political party office.

14
15 **SUBSEQUENT EMPLOYMENT**

16
17 **SECTION 15.** ORS 244.045 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (b) This subsection does not apply to:

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

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

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

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

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

27 **(6) A person who has been a member of the Legislative Assembly may not receive money**
28 **or any other consideration for lobbying as defined in ORS 171.725 performed during the period**
29 **beginning on the date the person ceases to be a member of the Legislative Assembly and**
30 **ending on the date of adjournment sine die of the next regular session of the Legislative**
31 **Assembly that begins after the date the person ceases to be a member of the Legislative**
32 **Assembly.**

33 **SECTION 15a. Section 15b of this 2007 Act is added to and made a part of ORS chapter**
34 **244.**

35 **SECTION 15b. (1) For purposes of ORS 244.045 (6), if a special session of the Legislative**
36 **Assembly is held in calendar year 2008 or 2010, the first special session held in that calendar**
37 **year is considered a regular session of the Legislative Assembly.**

38 **(2) This section is repealed January 1, 2011.**

39
40 **GIFTS/FINANCIAL GAIN**

41
42 **SECTION 16. ORS 244.020 is amended to read:**

43 244.020. As used in this chapter, unless the context requires otherwise:

44 (1) "Actual conflict of interest" means any action or any decision or recommendation by a per-
45 son acting in a capacity as a public official, the effect of which would be to the private pecuniary

1 benefit or detriment of the person or the person's relative or any business with which the person
2 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-
3 cumstances described in subsection [(14)] (11) of this section.

4 (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise,
5 association, organization, self-employed individual and any other legal entity operated for economic
6 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section
7 501(c) of the Internal Revenue Code with which a public official or a relative of the public official
8 is associated only as a member or board director or in a nonremunerative capacity.

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

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

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

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

20 (d) For public officials required to file a statement of economic interest under ORS 244.050, any
21 business [*from which 50 percent or more of the total annual income of the person and members of the*
22 *person's household is derived during the current calendar year*] **listed as a source of income as**
23 **required under ORS 244.060 (3).**

24 [(4) "Commission" means the Oregon Government Standards and Practices Commission.]

25 [(5)] (4) "Development commission" means any entity which has the authority to purchase, de-
26 velop, improve or lease land or the authority to operate or direct the use of land. This authority
27 must be more than ministerial.

28 [(6) "Expenditure" has the meaning given that term in ORS 260.005.]

29 [(7)] (5)(a) "Gift" means something of economic value given to a public official or [*the public*
30 *official's*] **a relative of the public official:**

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

35 (B) For valuable consideration less than that required from others who are not public officials.
36 [*However, "gift" does not mean:*]

37 (b) "Gift" does not mean:

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

39 (A) **Contributions as defined in ORS 260.005.**

40 [(b)] (B) Gifts from [*family members*] **relatives.**

41 (C) **Gifts from personal friends of the public official on a special occasion.**

42 (D) **An unsolicited token or award of appreciation in the form of a plaque, trophy, desk**
43 **item, wall memento or similar item.**

44 (E) **Unsolicited informational material, publications or subscriptions related to the re-**
45 **recipient's performance of official duties.**

1 (F) Admission provided to or the cost of food or beverage consumed by a public official,
2 or a member of the household or staff of the public official when accompanying the public
3 official, at a reception, meal or meeting held by an organization before whom the public of-
4 ficial appears to speak or to answer questions as part of a scheduled program.

5 (G) Reasonable expenses paid by any unit of the federal government, a state or local
6 government, a Native American Tribe that is recognized by federal law or formally ac-
7 knowledged by a state, a membership organization to which a public body as defined in ORS
8 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under sec-
9 tion 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its
10 funding from for-profit organizations or entities, for attendance at a convention, fact-finding
11 mission or trip, or other meeting if the public official is scheduled to deliver a speech, make
12 a presentation, participate on a panel or represent state government as defined in ORS
13 174.111 or local government as defined in ORS 174.116.

14 (H) Contributions made to a legal expense trust fund established under section 31 of this
15 2007 Act for the benefit of the public official.

16 (I) Reasonable food, travel or lodging expenses provided to a public official, or to a rela-
17 tive or staff member of the public official when accompanying the public official, when the
18 public official is representing state government as defined in ORS 174.111 or local govern-
19 ment as defined in ORS 174.116 on an officially sanctioned trade-promotion or fact-finding
20 mission or on other official business.

21 (J) Food or beverage consumed by a public official acting in an official capacity:

22 (i) In association with the final review, approval, execution of documents or closing of a
23 borrowing, investment or other financial transaction, including any business agreement be-
24 tween state government as defined in ORS 174.111 or a local government as defined in ORS
25 174.116 and a private entity or public body as defined in ORS 174.109;

26 (ii) While engaged in due diligence research or presentations by the office of the State
27 Treasurer related to an existing or proposed investment or borrowing; or

28 (iii) While engaged in a meeting of an advisory, governance or policy-making body of a
29 corporation, partnership or other entity in which the office of the State Treasurer has in-
30 vested moneys.

31 (K) Waiver or discount of registration expenses or materials provided to a public official
32 at a continuing education event that the public official may attend to satisfy a professional
33 licensing requirement.

34 (L) Expenses provided by one public official to another public official for travel inside this
35 state to or from an event that bears a relationship to the receiving public official's office and
36 at which the official participates in an official capacity.

37 (M) Food or beverage consumed by a public official at a reception where the food or
38 beverage is provided as an incidental part of the reception and no cost is placed on the food
39 or beverage.

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

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

45 [(e) The giving or receiving of entertainment if the entertainment is experienced by the public offi-

1 *cial or the public official's relatives in the presence of the purchaser or provider thereof and the value*
2 *of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250*
3 *in any one calendar year.]*

4 [(8)] (6) [*Honoraria*] "**Honorarium**" means a payment or something of economic value given
5 to a public official in exchange for services upon which custom or propriety prevents the setting of
6 a price. Services include, but are not limited to, speeches or other services rendered in connection
7 with an event [*at which the public official appears in an official capacity*].

8 [(9)] (7) "Income" means income of any nature derived from any source, including, but not lim-
9 ited to, any salary, wage, advance, payment, dividend, interest, rent, [*honoraria*] **honorarium**, return
10 of capital, forgiveness of indebtedness, or anything of economic value.

11 [(10)] (8) "Legislative or administrative interest" means an economic interest, distinct from that
12 of the general public, in one or more bills, resolutions, regulations, proposals or other matters sub-
13 ject to the action or vote of a person acting in the capacity of a public official.

14 [(11) "*Legislative official*" means any member or member-elect of the Legislative Assembly, any
15 member of an agency, board or committee that is part of the legislative branch and any staff person,
16 assistant or employee thereof.]

17 [(12) "*Member of household*" means any relative who resides with the public official.]

18 (9) "**Member of the household**" means any person who resides with the public official.

19 [(13)] (10) "Planning commission" means a county planning commission created under ORS
20 chapter 215 or a city planning commission created under ORS chapter 227.

21 [(14)] (11) "Potential conflict of interest" means any action or any decision or recommendation
22 by a person acting in a capacity as a public official, the effect of which could be to the private
23 pecuniary benefit or detriment of the person or the person's relative, or a business with which the
24 person or the person's relative is associated, unless the pecuniary benefit or detriment arises out
25 of the following:

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

28 (b) Any action in the person's official capacity which would affect to the same degree a class
29 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or
30 other group including one of which or in which the person, or the person's relative or business with
31 which the person or the person's relative is associated, is a member or is engaged. The **Oregon**
32 **Government Standards and Practices** Commission may by rule limit the minimum size of or oth-
33 erwise establish criteria for or identify the smaller classes that qualify under this exception.

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

36 (12) "**Public office**" has the meaning given that term in ORS 260.005.

37 [(15)] (13) "Public official" means any person who, when an alleged violation of this chapter
38 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body
39 [*of the state*] **as defined in ORS 174.109** as an officer, employee, agent or otherwise, [*and*] irrespec-
40 tive of whether the person is compensated for [*such*] **the** services.

41 [(16)] (14) "Relative" means the spouse of the public official, any children of the public official
42 or of the public official's spouse, and brothers, sisters or parents of the public official or of the
43 public official's spouse.

44 [(17)] (15) "Statement of economic interest" means a statement as described by ORS 244.060 to
45 244.080.

1 [(18) “Statewide official” means the Secretary of State or Secretary of State-elect, State Treasurer
2 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-
3 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor
4 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.]

5 [(19) (16) “Zoning commission” means an entity to which is delegated at least some of the dis-
6 cretionary authority of a planning commission or governing body relating to zoning and land use
7 matters.

8 **SECTION 17.** ORS 244.040 is amended to read:

9 244.040. *[The following actions are prohibited regardless of whether actual conflicts of interest or*
10 *potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:]*

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

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

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

23 (b) **The receipt by a public official or a relative of the public official of an honorarium**
24 **or any other item allowed under section 24 of this 2007 Act.**

25 (c) **Reimbursement of expenses.**

26 (d) **An unsolicited award for professional achievement.**

27 (e) **Gifts that do not exceed the limits specified in section 18 of this 2007 Act received by**
28 **a public official or a relative of the public official from a source that could reasonably be**
29 **known to have a legislative or administrative interest in a governmental agency in which the**
30 **official holds any official position or over which the official exercises any authority.**

31 (f) **Gifts received by a public official or a relative of the public official from a source that**
32 **could not reasonably be known to have a legislative or administrative interest in a govern-**
33 **mental agency in which the official holds any official position or over which the official ex-**
34 **ercises any authority.**

35 (g) **The receipt by a public official or a relative of the public official of any item, regard-**
36 **less of value, that is expressly excluded from the definition of “gift” in ORS 244.020.**

37 (h) **Contributions made to a legal expense trust fund established under section 31 of this**
38 **2007 Act for the benefit of the public official.**

39 *[(b) No statewide official shall solicit or receive, whether directly or indirectly, honoraria for the*
40 *statewide official or for any member of the household of the official. No candidate for statewide office*
41 *shall solicit or receive, whether directly or indirectly, honoraria for the candidate or for any member*
42 *of the household of the candidate.]*

43 *[(c) No legislative official shall solicit or receive, whether directly or indirectly, honoraria in an*
44 *amount in excess of \$1,500 or in any amount for an appearance within the state or for an appearance*
45 *during a legislative session, regardless of location, for the legislative official or for any member of the*

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

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

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

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

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

24 [(5) No person shall offer during any calendar year any gifts with an aggregate value in excess
25 of \$100 to any public official or candidate therefor or a relative of the public official or candidate if the
26 person has a legislative or administrative interest in a governmental agency in which the official has
27 or the candidate if elected would have any official position or over which the official exercises or the
28 candidate if elected would exercise any authority.]

29 [(6)] (5) [No person shall] **A person may not** attempt to represent or represent a client for a
30 fee before the governing body of a public body of which the person is a member. This subsection
31 does not apply to the person's employer, business partner or other associate.

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

34 **SECTION 18. (1) During a calendar year, a public official, a candidate for public office or**
35 **a relative of the public official or candidate may not solicit or receive, directly or indirectly,**
36 **any gift or gifts with an aggregate value in excess of \$50 from any single source that could**
37 **reasonably be known to have a legislative or administrative interest in any governmental**
38 **agency in which the public official holds, or the candidate if elected would hold, any official**
39 **position or over which the public official exercises, or the candidate if elected would exercise,**
40 **any authority.**

41 (2) **During a calendar year, a person who has a legislative or administrative interest in**
42 **any governmental agency in which a public official holds any official position or over which**
43 **the public official exercises any authority may not offer to the public official or a relative**
44 **of the public official any gift or gifts with an aggregate value in excess of \$50.**

45 (3) **During a calendar year, a person who has a legislative or administrative interest in**

1 **any governmental agency in which a candidate for public office if elected would hold any of-**
2 **official position or over which the candidate if elected would exercise any authority may not**
3 **offer to the candidate or a relative of the candidate any gift or gifts with an aggregate value**
4 **in excess of \$50.**

5 **(4) This section does not apply to judges or other public officials serving the judicial de-**
6 **partment as defined in ORS 174.113.**

7 **SECTION 19.** ORS 244.060 is amended to read:

8 244.060. The statement of economic interest filed under ORS 244.050[,] shall be on a form pre-
9 scribed by the Oregon Government Standards and Practices Commission[, and]. The person filing the
10 statement shall supply the information required by this section and ORS 244.090, as follows:

11 (1) The [name] **names** of all positions as officer of a business and business directorships held
12 by the person or a member of the household of the person during the preceding calendar year, **and**
13 **the principal address and a brief description of each business.**

14 (2) All names under which the person and members of the household of the person do business
15 **and the principal address and a brief description of each business.**

16 (3) **The names, principal addresses and brief descriptions of the five most significant**
17 **sources of income received at any time during the preceding calendar year by the person [or a] and**
18 **by each member of the household of the person [that produce 10 percent or more of the total annual**
19 **household income], a description of the type of income and the name of the person receiving**
20 **the income.**

21 *[(4) The name, principal address and brief description of the source of income from which 50 per-*
22 *cent or more of the total annual income of the person and members of the household of the person was*
23 *received during the preceding calendar year and whether the source existed during the preceding year,*
24 *and whether the source is derived from an entity that now does business or could reasonably be ex-*
25 *pected to do business or has legislative or administrative interest in the governmental agency of which*
26 *the public official is or the candidate if elected would be a member or over which the public official*
27 *has or the candidate if elected would have authority.]*

28 *[(5)(a)]* **(4)(a) [The listing] A list** of all real property in which the public official or candidate
29 **[therefor] for public office** or a member of the household of the public official or candidate has or
30 has had any personal, beneficial ownership interest during the preceding calendar year, any options
31 to purchase or sell real property, including a land sales contract, and any other rights of any kind
32 in real property located within the geographic boundaries of the governmental agency of which the
33 public official **[is] holds,** or the candidate if elected would **[be a member] hold, any official position**
34 **or over which the public official [has] exercises,** or the candidate if elected would **[have] exercise,**
35 **any authority.**

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

38 *[(6)(a) Notwithstanding ORS 244.020 (7)(c), if a public official has received food, lodging and pay-*
39 *ment of travel expenses exceeding \$100 when participating in an event which bears a relationship to*
40 *the public official's office and when appearing in an official capacity, the name, nature and business*
41 *address of the organization paying the expenses and the date and amount of that expenditure.]*

42 *[(b) Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection shall*
43 *be adjusted annually by the commission based upon the change in the Portland Consumer Price Index*
44 *for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United*
45 *States Department of Labor or its successor during the preceding 12-month period. The amount deter-*

1 *mined under this paragraph shall be rounded to the nearest dollar.]*

2 *[(7) Any honoraria exceeding \$50 received during the preceding calendar year by the person or a*
3 *member of the household of the person, the payer of the honoraria and the date and time of the event*
4 *for which the honoraria was received.]*

5 **SECTION 20.** ORS 244.070 is amended to read:

6 244.070. **A public official or candidate for public office shall report** the following additional
7 economic interest *[shall be reported]* for the preceding calendar year only if the source of that in-
8 terest is derived from an individual or business *[which]* **that** has been doing business, does business
9 or could reasonably be expected to do business with, or has legislative or administrative interest
10 in, the governmental agency of which the public official *[is]* **holds**, or the candidate if elected would
11 *[be a member]* **hold, any official position** or over which the public official *[has]* **exercises**, or the
12 candidate if elected would *[have]* **exercise, any** authority:

13 *[(1) Each source of income over \$1,000, other than a source of income disclosed under ORS 244.060,*
14 *whether or not taxable, received by the public official or candidate therefor or a member of the house-*
15 *hold of the public official or candidate.]*

16 *[(2)] (1) Each person to whom the public official or candidate [therefor] for public office or a*
17 *member of the household of the public official or candidate owes or has owed money in excess of*
18 *\$1,000, the interest rate [thereon] on money owed and the date of the loan, except for debts owed*
19 *to any federal or state regulated financial institution or retail contracts.*

20 *[(3)] (2) [Each business] The name, principal address[,] and brief description of [its] the*
21 *nature[,] of each business* in which the public official or candidate *[therefor] for public office* or
22 a member of the household of the public official or candidate has or has had a personal, beneficial
23 interest or investment, including stocks or other securities, in excess of \$1,000, except for individual
24 items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institu-
25 tion, shares in a credit union, or the cash surrender value of life insurance.

26 *[(4)] (3) Each person for whom the public official or candidate for public office has performed*
27 *services for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by*
28 *a professional code of ethics.*

29 **SECTION 21.** ORS 244.100 is amended to read:

30 244.100. *[(1) The Oregon Government Standards and Practices Commission by rule may require the*
31 *disclosure and reporting of gifts or other compensation made to or received by a public official or*
32 *candidate for elective office.]*

33 *[(2) The commission by rule may exempt from the gift limitation contained in ORS 244.040, any*
34 *gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount*
35 *fixed by the commission, the source thereof shall be disclosed on a form prescribed by the*
36 *commission.]*

37 **(1) A public official or candidate for public office who is required to file a statement of**
38 **economic interest under ORS 244.050 shall file with the Oregon Government Standards and**
39 **Practices Commission, according to the schedule set forth in section 23 of this 2007 Act, a**
40 **statement showing for the applicable reporting period:**

41 **(a) Any expenses with an aggregate value exceeding \$50 received by the public official**
42 **when participating in a convention, mission, trip or other meeting described in ORS 244.020**
43 **(5)(b)(G). The statement shall include the name and address of the organization or unit of**
44 **government paying the expenses, the nature of the event and the date and amount of the**
45 **expenditure.**

1 (b) All honoraria allowed under section 24 of this 2007 Act exceeding \$15 received by the
2 public official, candidate or member of the household of the official or candidate, the payer
3 of each honorarium and the date and time of the event for which the honorarium was re-
4 ceived.

5 (c) Each source of income exceeding an aggregate amount of \$1,000, whether or not tax-
6 able, received by the public official or candidate for public office, or a member of the
7 household of the public official or candidate, if the source of that income is derived from an
8 individual or business that has been doing business, does business or could reasonably be
9 expected to do business with, or has legislative or administrative interest in, the govern-
10 mental agency of which the public official holds, or the candidate if elected would hold, any
11 official position or over which the public official exercises, or the candidate if elected would
12 exercise, any authority.

13 [(3)] (2) In addition to [any disclosures or reports] **statements** required under [subsections (1)
14 and (2)] **subsection (1)** of this section[,]:

15 (a) Any [person or] organization **or unit of government** that provides a public official with
16 [food, lodging or travel expenses exceeding \$50, as described in ORS 244.060 (6),] **expenses with an**
17 **aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(G)** shall notify the
18 public official in writing of the amount of the expense. The **organization or unit shall provide the**
19 notice [shall be sent] to the public official within 10 days from the date [such] **the** expenses are in-
20 curred.

21 (b) Any person that provides a public official or a member of the household of a public
22 official with an honorarium or other item allowed under section 24 of this 2007 Act with a
23 value exceeding \$15 shall notify the public official in writing of the value of the honorarium
24 or other item. The person shall provide the notice to the public official within 10 days after
25 the date of the event for which the honorarium or other item was received.

26 **SECTION 22.** Section 23 of this 2007 Act is added to and made a part of ORS chapter 244.

27 **SECTION 23.** Statements required to be filed with the Oregon Government Standards and
28 Practices Commission under ORS 244.100 and section 35 of this 2007 Act shall be filed in each
29 calendar year:

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

32 (2) Not later than July 15, for the accounting period beginning April 1 and ending June
33 30;

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

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

38
39 **HONORARIA**
40

41 **SECTION 24.** (1) Except as provided in subsection (3) of this section, a public official may
42 not solicit or receive, whether directly or indirectly, honoraria for the public official or any
43 member of the household of the public official if the honoraria are solicited or received in
44 connection with the official duties of the public official.

45 (2) Except as provided in subsection (3) of this section, a candidate for public office may

1 **not solicit or receive, whether directly or indirectly, honoraria for the candidate or any**
2 **member of the household of the candidate if the honoraria are solicited or received in con-**
3 **nection with the official duties of the public office for which the person is a candidate.**

4 **(3) This section does not prohibit:**

5 **(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative**
6 **token or other item with a value of \$50 or less; or**

7 **(b) The solicitation or receipt of an honorarium for services performed in relation to the**
8 **private profession, occupation, avocation or expertise of the public official or candidate.**

9 **SECTION 25.** ORS 244.280 is amended to read:

10 244.280. (1) Upon the written request of any [*public official, candidate for public office or any*]
11 person, or upon its own motion, the Oregon Government Standards and Practices Commission, under
12 signature of the chairperson, may issue and publish opinions on the requirements of this chapter,
13 based on actual or hypothetical circumstances.

14 (2) If any public official or business with which the public official is associated is in doubt
15 whether a proposed transaction or action constitutes a violation of this chapter, the public official
16 or the business may request in writing a determination from the commission. [*If any public official*
17 *is in doubt whether receipt of an honoraria is in violation of this chapter because the person paying*
18 *the honoraria may be found to have a legislative or administrative interest, the public official shall*
19 *request in writing a determination from the commission.*] The requester shall supply such information
20 as the commission requests to enable [*it to issue the interpretation*] **the commission to make the**
21 **determination.**

22 (3) A public official [*or business with which a public official is associated shall not be*] **is not** li-
23 able under this chapter[,] for any action or transaction carried out in accordance with [*an advisory*
24 *interpretation issued*] **a determination made** under subsection (2) of this section. [*Such an advisory*
25 *interpretation shall be*] **The determination is** considered a formal opinion having precedential effect
26 and [*shall be subject to review*] **must be reviewed** by legal counsel to the commission before the
27 [*interpretation*] **determination** is sent to the requester.

28 **SECTION 26.** ORS 351.067 is amended to read:

29 351.067. (1) In carrying out its authority under ORS 351.070, the State Board of Higher Educa-
30 tion may authorize receipt of compensation for any officer or employee of the Oregon University
31 System from private or public resources, including, but not limited to, income from:

32 (a) Consulting;

33 (b) Appearances and speeches;

34 (c) Intellectual property conceived, reduced to practice or originated and therefore owned within
35 the Oregon University System;

36 (d) Providing services or other valuable consideration for a private corporation, individual, or
37 entity, whether paid in cash or in-kind, stock or other equity interest, or anything of value regard-
38 less of whether there is a licensing agreement between the Oregon University System and the pri-
39 vate entity; and

40 (e) Performing public duties paid by private organizations, including institution corporate affil-
41 iates, which augment an officer's or employee's publicly funded salary. Such income shall be au-
42 thorized and received in accordance with policies and rules established by the board.

43 (2) The board [*shall*] **may** not authorize compensation, as defined in subsection (1) of this sec-
44 tion, that, in the board's judgment, does not comport with the mission of the institution and the
45 Oregon University System or substantially interferes with an officer's or employee's duties to the

1 Oregon University System.

2 (3) Any compensation[,] described and authorized under subsection (1) of this section[, *shall be*]
3 **is** considered official [*salary, honorarium*] **compensation** or reimbursement of expenses for purposes
4 of ORS 244.040 **and is not considered an honorarium prohibited by section 24 of this 2007**
5 **Act**. If authorization or receipt of [*such*] **the** compensation creates a potential conflict of interest,
6 the **officer or employee shall report the** potential conflict [*shall be reported*] in writing in ac-
7 cordance with rules of the state board. The disclosure is a public record subject to public inspection.

8 (4) The state board shall adopt by rule standards governing employee outside employment and
9 activities, including potential conflict of interest, as defined by state board rule and consistent with
10 ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential
11 or actual conflict of interest complaints.

12 **SECTION 27.** ORS 353.270 is amended to read:

13 353.270. (1) Oregon Health and Science University may authorize receipt of compensation for
14 any officer or employee of the university from private or public resources, including but not limited
15 to income from:

16 (a) Consulting;

17 (b) Appearances and speeches;

18 (c) Intellectual property conceived, reduced to practice or originated and therefore owned within
19 the university;

20 (d) Providing services or other valuable consideration for a private corporation, individual or
21 entity, whether paid in cash or in kind, stock or other equity interest, or anything of value regard-
22 less of whether there is a licensing agreement between the university and the private entity;

23 (e) Performing public duties paid by private organizations, including university corporate affil-
24 iates, that augment an officer's or employee's publicly funded salary. Such income shall be author-
25 ized and received in accordance with policies established by the university; and

26 (f) Providing medical and other health services.

27 (2) The university [*shall*] **may** not authorize compensation, as described in subsection (1) of this
28 section, that, in the university's judgment, does not comport with the missions of the university or
29 substantially interferes with an officer's or employee's duties to the university.

30 (3) Any compensation described and authorized under subsection (1) of this section [*shall be*] **is**
31 considered official [*salary, honorarium*] **compensation** or reimbursement of expenses for purposes
32 of ORS 244.040 **and is not considered an honorarium prohibited by section 24 of this 2007**
33 **Act**. If authorization or receipt of [*such*] **the** compensation creates a potential conflict of interest,
34 the **officer or employee shall report the** potential conflict [*shall be reported*] in writing in ac-
35 cordance with policies of the university. The disclosure is a public record subject to public in-
36 spection.

37 (4) The university shall adopt standards governing employee outside employment and activities
38 of employees, including potential conflicts of interest, as defined by the university and consistent
39 with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing po-
40 tential or actual conflict of interest complaints.

41
42 **LEGAL EXPENSE TRUST FUND**

43
44 **SECTION 28.** Sections 29 to 37 of this 2007 Act are added to and made a part of ORS
45 **chapter 244.**

1 **SECTION 29.** (1) Subject to the authorization of the Oregon Government Standards and
2 Practices Commission as described in section 31 of this 2007 Act, a public official may es-
3 tablish a legal expense trust fund if the public official incurs or reasonably expects to incur
4 legal expenses described in subsection (2) of this section.

5 (2) Proceeds from the trust fund may be used by the public official to defray legal ex-
6 penses incurred by the public official in any civil, criminal or other legal proceeding or in-
7 vestigation that relates to or arises from the course and scope of duties of the person as a
8 public official.

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

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

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

15 (6) The provisions of ORS chapter 130 do not apply to a trust fund established under
16 sections 29 to 37 of this 2007 Act.

17 **SECTION 30.** (1) The proceeds of a legal expense trust fund may be used to:

18 (a) Defray legal expenses described in section 29 of this 2007 Act;

19 (b) Defray costs reasonably incurred in administering the trust fund, including but not
20 limited to costs incident to the solicitation of funds; and

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

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

26 **SECTION 31.** (1) A public official may apply to establish a legal expense trust fund by
27 filing an application with the Oregon Government Standards and Practices Commission. The
28 application must contain:

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

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

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

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

34 (a) A provision incorporating by reference the provisions of sections 29 to 37 of this 2007
35 Act; and

36 (b) A designation of a trustee who meets the requirements of section 32 of this 2007 Act.

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

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

39 (b) That the public official will comply with the provisions of sections 29 to 37 of this 2007
40 Act; and

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

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

44 (a) Has read and understands sections 29 to 37 of this 2007 Act; and

45 (b) Consents to administer the trust fund in compliance with sections 29 to 37 of this 2007

1 Act.

2 (5) Upon receiving an application under this section, the commission shall review the
3 trust agreement, the affidavits and any supporting documents or instruments filed to deter-
4 mine whether the application meets the requirements of sections 29 to 37 of this 2007 Act.
5 If the commission determines that the application meets the requirements of sections 29 to
6 37 of this 2007 Act, the commission shall grant written authorization to the public official to
7 establish the trust fund.

8 (6) The commission shall review the quarterly statements required under section 35 of
9 this 2007 Act and shall monitor the activities of each trust fund to ensure continued com-
10 pliance with sections 29 to 37 of this 2007 Act.

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

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

16 (9) A public official may file an amendment to a trust agreement approved as part of a
17 trust fund under this section. The commission shall approve the amendment if the commis-
18 sion determines the amendment meets the requirements of sections 29 to 37 of this 2007 Act.

19 **SECTION 32.** (1) The trustee of a legal expense trust fund is responsible for:

- 20 (a) The receipt and deposit of contributions to the trust fund;
- 21 (b) The authorization of expenditures and disbursements from the trust fund;
- 22 (c) The filing of quarterly statements required under section 35 of this 2007 Act; and
- 23 (d) The performance of other tasks incident to the administration of the trust fund.

24 (2) The trustee may not:

- 25 (a) Be a public official who serves the same public body as the public official who estab-
26 lishes the trust fund;
- 27 (b) Be a relative of the public official who establishes the trust fund;
- 28 (c) Be an attorney for the public official in the legal proceeding for which the trust fund
29 is established, or a member, partner, associate or employee of the firm employing the at-
30 torney; or
- 31 (d) Have a business or employment relationship with the public official who establishes
32 the trust fund.

33 **SECTION 33.** (1) Except as provided in subsection (3) of this section, any person may
34 contribute to a legal expense trust fund established under sections 29 to 37 of this 2007 Act.

35 (2) A person may make contributions of moneys to a legal expense trust fund in unlim-
36 ited amounts. Pro bono legal assistance and other in-kind assistance may also be provided
37 without limit and is considered a contribution subject to the reporting requirements of sec-
38 tion 35 of this 2007 Act.

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

41 **SECTION 34.** (1) A trustee of a legal expense trust fund shall establish a single exclusive
42 account in a financial institution, as defined in ORS 706.008. The financial institution must
43 be located in this state and must ordinarily conduct business with the general public in this
44 state.

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

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

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

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

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

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

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

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

14 **SECTION 35.** (1) The trustee of a legal expense trust fund shall, according to the schedule
15 described in subsection (3) of this section, file with the Oregon Government Standards and
16 Practices Commission a statement for the applicable reporting period showing contributions
17 received by the trustee and expenditures made from the trust fund account established under
18 section 34 of this 2007 Act.

19 (2) Each statement shall list:

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

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

24 (c) The amount and purpose of each expenditure and the name and address of each payee;
25 and

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

28 (3) Statements required to be filed with the commission under this section shall be filed
29 according to the schedule described in section 23 of this 2007 Act.

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

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

36 **SECTION 36.** (1) A legal expense trust fund established under sections 29 to 37 of this
37 2007 Act may be terminated by:

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

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

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

43 (2) A trust agreement may provide that a legal expense trust fund is terminated not later
44 than six months following the completion of the legal proceeding for which the fund was es-
45 tablished. Upon application of the public official who established the trust fund, the com-

1 mission may extend the existence of the trust fund to a specified date if the commission
2 determines that the public official has incurred legal expenses that exceed the balance re-
3 maining in the fund. If the commission extends the existence of the trust fund, the trust
4 fund terminates on the date the extension expires.

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

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

10 **SECTION 37.** (1) Not later than 30 days after a legal expense trust fund is terminated,
11 the trustee of the fund shall return any moneys remaining in the fund to contributors to the
12 fund on a pro rata basis.

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

16 (a) To pay outstanding legal expenses;

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

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

20
21 **CONFORMING AMENDMENTS**

22
23 **SECTION 38.** ORS 293.708 is amended to read:

24 293.708. (1) As used in this section:

25 (a) "Business" has the meaning given that term in ORS 244.020.

26 (b) "Business with which the person is associated" has the meaning given that term in ORS
27 244.020.

28 (c) "Relative" has the meaning given that term in ORS 244.020.

29 (2) When a member of the Oregon Investment Council becomes aware that action on a matter
30 pending before the council might lead to private pecuniary benefit or detriment to the person, to a
31 relative of the person or to a business with which the person or a relative of the person is associ-
32 ated, the member shall notify in writing the State Treasurer or the Chief Deputy State Treasurer
33 that any action, decision or recommendation by the member might constitute an actual or potential
34 conflict of interest. The member shall provide the notice not later than three business days after the
35 member becomes aware of the possibility of an actual or potential conflict.

36 (3) Subsection (2) of this section does not apply if the pecuniary benefit or detriment arises out
37 of circumstances described in ORS 244.020 [(14)(a) to (c)] (11)(a) to (c).

38 (4) Nothing in this section excuses a member of the council from compliance with ORS 244.120.
39

40 **MISCELLANEOUS PROVISIONS**

41
42 **SECTION 39.** (1) Section 18 of this 2007 Act is added to and made a part of ORS 244.010
43 to 244.040.

44 (2) Section 24 of this 2007 Act is added to and made a part of ORS chapter 244.

45 **SECTION 40.** (1) Sections 1 to 5, 15a, 15b, 18, 22, 23, 24, 28 and 29 to 37 of this 2007 Act

1 and the amendments to ORS 171.745, 171.750, 171.772, 171.992, 244.020, 244.040, 244.045, 244.050,
2 244.060, 244.070, 244.100, 244.280, 244.290, 244.350, 244.360, 260.407, 293.708, 351.067 and 353.270
3 by sections 6 to 8, 9, 10 to 15, 16, 17, 19 to 21, 25 to 27 and 38 of this 2007 Act become oper-
4 ative January 1, 2008.

5 (2) The Oregon Government Standards and Practices Commission and any other public
6 body as defined in ORS 174.109 may adopt rules or take any other action before the operative
7 date specified in subsection (1) of this section that is necessary to enable the commission or
8 public body to exercise, on or after the operative date specified in subsection (1) of this sec-
9 tion, all the duties, functions and powers conferred on the commission or public body by this
10 2007 Act.

11 **SECTION 41.** (1) Section 5 of this 2007 Act and the amendments to ORS 171.745 and
12 171.750 by sections 6 and 7 of this 2007 Act apply to statements required to be filed for re-
13 porting periods beginning on or after January 1, 2008.

14 (2) The first statement filed under ORS 171.745, as amended by section 6 of this 2007 Act,
15 shall include amounts expended prior to January 1, 2008, that were not included in a state-
16 ment filed prior to January 1, 2008.

17 (3) Notwithstanding ORS 171.750, as amended by section 7 of this 2007 Act, a person re-
18 quired to file a statement under ORS 171.750 for the calendar year 2007 shall file the state-
19 ment not later than January 31, 2008.

20 (4) The amendments to ORS 171.772 and 244.290 by sections 8 and 9 of this 2007 Act apply
21 to statements required to be filed on or after January 1, 2008.

22 (5) The amendments to ORS 171.992 and 244.350 by sections 10 and 11 of this 2007 Act
23 apply to:

24 (a) Violations of any provision of ORS 171.740 to 171.762, any rule adopted under ORS
25 171.725 to 171.785, ORS chapter 244 or any resolution adopted under ORS chapter 244 occur-
26 ring on or after January 1, 2008;

27 (b) Violations of ORS 293.708 occurring prior to, on or after January 1, 2008; and

28 (c) Statements of economic interest required to be filed on or after January 1, 2008.

29 (6) The amendments to ORS 244.360 by section 12 of this 2007 Act apply to violations of
30 any provision of ORS chapter 244 occurring prior to, on or after January 1, 2008.

31 (7) The amendments to ORS 244.050 by section 13 of this 2007 Act apply to statements
32 of economic interest required to be filed on or after January 1, 2008.

33 (8) The amendments to ORS 260.407 by section 14 of this 2007 Act apply to expenditures
34 or distributions of contributions made on or after January 1, 2008.

35 (9) The amendments to ORS 244.045 by section 15 of this 2007 Act apply to persons who
36 cease being members of the Legislative Assembly on or after January 1, 2008.

37 **SECTION 42.** (1) Section 18 of this 2007 Act applies to gifts received or made on or after
38 January 1, 2008.

39 (2) The amendments to ORS 244.020 and 244.040 by sections 16 and 17 of this 2007 Act
40 apply to activities that occur on or after January 1, 2008.

41 (3) Section 24 of this 2007 Act applies to honoraria solicited or received on or after Jan-
42 uary 1, 2008.

43 (4) The amendments to ORS 244.060 and 244.100 by sections 19 and 21 of this 2007 Act
44 apply to expenses received or paid on or after January 1, 2008. A public official shall list on
45 the first statement of economic interest filed after January 1, 2008, all expenses the public

1 official received prior to January 1, 2008, that were:

2 (a) Required to be reported under ORS 244.060 on the day before January 1, 2008; and

3 (b) Were not reported on a previous statement of economic interest the public official
4 filed.

5 (5) The amendments to ORS 351.067 and 353.270 by sections 26 and 27 of this 2007 Act
6 apply to compensation received on or after January 1, 2008.

7 **SECTION 43.** (1) Sections 29 to 37 of this 2007 Act and the amendments to ORS 244.020,
8 244.040 and 244.350 by sections 11, 16 and 17 of this 2007 Act apply to legal expense trust funds
9 established for legal proceedings commenced prior to, on or after January 1, 2008.

10 (2) The amendments to ORS 244.020 and 244.040 by sections 16 and 17 of this 2007 Act
11 apply to contributions made to legal expense trust funds on or after January 1, 2008.

12 **SECTION 44.** (1) Any proceeding, action, prosecution or other business or matter
13 undertaken or commenced before January 1, 2008, by the Oregon Government Standards and
14 Practices Commission under any provision of ORS chapter 244 and still pending on January
15 1, 2008, shall be conducted and completed by the commission in the same manner, under the
16 same terms and conditions and with the same effect as though undertaken, conducted or
17 completed before January 1, 2008.

18 (2) Nothing in this 2007 Act relieves any person of any obligation with respect to any tax,
19 fee, fine, civil penalty or other charge, interest, penalty, forfeiture or other liability, duty or
20 obligation.

21 **SECTION 45.** (1) The amendments to ORS 244.020, 244.050, 244.060 and 244.070 by sections
22 13, 16, 19 and 20 of this 2007 Act apply to statements required to be filed with the Oregon
23 Government Standards and Practices Commission for reporting periods beginning on or after
24 January 1, 2008.

25 (2) Section 23 of this 2007 Act and the amendments to ORS 244.100 by section 21 of this
26 2007 Act apply to statements required to be filed and notices required to be provided for re-
27 porting periods beginning on or after January 1, 2008.

28 **SECTION 46.** The unit captions used in this 2007 Act are provided only for the conven-
29 ience of the reader and do not become part of the statutory law of this state or express any
30 legislative intent in the enactment of this 2007 Act.

31 **SECTION 47.** This 2007 Act being necessary for the immediate preservation of the public
32 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
33 on its passage.

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