

**HOUSE AMENDMENTS TO  
B-ENGROSSED SENATE BILL 10  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 26

1 On page 1 of the printed B-engrossed bill, line 2, after “ORS” insert “171.725, 171.730, 171.735,  
2 171.740,”.

3 In line 3, after “244.100,” insert “244.110,”.

4 In line 4, after “244.360,” insert “244.390,” and after “353.270” insert “and sections 5, 14, 15 and  
5 40b, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595)”.

6 On page 2, delete lines 7 and 8 and insert:

7 “(a) Public bodies in state government; and”.

8 In line 15, after “ernment” delete the rest of the line.

9 In line 16, delete “Law”.

10 Delete lines 41 and 42 and insert “officer or employee.”.

11 On page 3, line 15, delete “7” and insert “15”.

12 After line 16, insert:

13 “**SECTION 6.** ORS 171.725 is amended to read:

14 “171.725. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

15 “(1) ‘Compensation’ has the meaning given that term in ORS 292.951.

16 “(2) ‘Consideration’ includes a gift, payment, distribution, loan, advance or deposit of money or  
17 anything of value, and includes a contract, promise or agreement, whether or not legally enforcea-  
18 ble.

19 “(3) ‘Executive agency’ means a commission, board, agency or other body in the executive  
20 branch of state government that is not part of the legislative or judicial branch.

21 “(4) ‘Executive official’ means any member or member-elect of an executive agency and any  
22 member of the staff or an employee of an executive agency. A member of a state board or commis-  
23 sion, other than a member who is employed in full-time public service, is not an executive official  
24 for purposes of ORS 171.725 to 171.785.

25 “(5) ‘Judge’ means an active judge serving on the Oregon Supreme Court, Court of Appeals,  
26 Oregon Tax Court, or an Oregon circuit court.

27 “(6) ‘Legislative action’ means introduction, sponsorship, testimony, debate, voting or any other  
28 official action on any measure, resolution, amendment, nomination, appointment, or report, or any  
29 matter that may be the subject of action by either house of the Legislative Assembly, or any com-  
30 mittee of the Legislative Assembly, or the approval or veto thereof by the Governor.

31 “(7) ‘Legislative official’ means any member or member-elect of the Legislative Assembly, any  
32 member of an agency, board or committee that is part of the legislative branch, and any staff person,  
33 assistant or employee thereof.

34 “(8) ‘Lobbying’ means influencing, or attempting to influence, legislative action through oral or

1 written communication with legislative officials, solicitation of [others] **executive officials or other**  
2 **persons** to influence or attempt to influence legislative action or attempting to obtain the goodwill  
3 of legislative officials.

4 “(9) ‘Lobbyist’ means:

5 “(a) Any individual who agrees to provide personal services for money or any other consider-  
6 ation for the purpose of lobbying.

7 “(b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal  
8 services as a representative of a corporation, association, organization or other group, for the pur-  
9 pose of lobbying.

10 “(c) Any public official who lobbies.

11 “(10) ‘Public agency’ means a commission, board, agency or other governmental body.

12 “(11) ‘Public official’ means any member or member-elect of any public agency and any member  
13 of the staff or an employee of the public agency.

14 “**SECTION 6a.** ORS 171.730 is amended to read:

15 “171.730. The Legislative Assembly finds that, to preserve and maintain the integrity of the  
16 legislative process, persons who engage in efforts to [*persuade members of the Legislative Assembly*  
17 *or the executive branch to take specific actions*] **influence legislative action**, either by direct com-  
18 munication with [*members or employees of the Legislative Assembly or the executive branch*] **legisla-**  
19 **tive officials** or by solicitation of [others] **executive officials or other persons** to engage in those  
20 efforts, should regularly report their efforts to the public.

21 “**SECTION 6b.** ORS 171.735 is amended to read:

22 “171.735. ORS 171.740 and 171.745 do not apply to the following persons:

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

26 “(2) Any legislative official acting in an official capacity.

27 “(3) Any individual who [*receives no*] **does not receive** compensation or reimbursement of ex-  
28 penses for lobbying, who limits lobbying activities solely to formal appearances to give testimony  
29 before public sessions of committees of the Legislative Assembly, or public hearings of state agen-  
30 cies, and who, when testifying, registers an appearance in the records of the committees or agencies.

31 “(4) A person who [*spends not*] **does not spend** more than **an aggregate amount of** 24 hours  
32 during any calendar quarter lobbying and who does not spend an **aggregate** amount in excess of  
33 \$100 lobbying during any calendar quarter.

34 “(5) The Governor, [*Executive Assistant to*] **chief of staff for** the Governor, [*Legal Counsel*]  
35 **deputy chief of staff for the Governor, legal counsel** to the Governor, **deputy legal counsel to**  
36 **the Governor**, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040,  
37 State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, **chief of staff**  
38 **for the office of the State Treasurer**, Attorney General, Deputy Attorney General appointed  
39 pursuant to ORS 180.130, Superintendent of Public Instruction, Commissioner of the Bureau of Labor  
40 and Industries, **members and staff of the Oregon Law Commission who conduct the law re-**  
41 **vision program of the commission or** [*and*] any judge.

42 “**SECTION 6c.** ORS 171.740 is amended to read:

43 “171.740. (1) Within three [*working*] **business** days after exceeding the limit of time or expendi-  
44 ture specified in ORS 171.735 (4), a lobbyist shall register with the Oregon Government Standards  
45 and Practices Commission by filing with the commission a statement containing the following in-

1 formation:

2 “(a) The name, address and telephone number of the lobbyist.

3 “(b) The name, address and telephone number of each person that employs the lobbyist or in  
4 whose interest the lobbyist appears or works.

5 “(c) A general description of the trade, business, profession or area of endeavor of any person  
6 designated under paragraph (b) of this subsection, and a statement by the person that the lobbyist  
7 is officially authorized to lobby for the person.

8 “(d) The name of any member of the Legislative Assembly employed, retained or otherwise  
9 compensated by:

10 “(A) The lobbyist designated under paragraph (a) of this subsection; or

11 “(B) A person designated under paragraph (b) of this subsection.

12 “(e) The general subject or subjects of the legislative action of interest to the person for whom  
13 the lobbyist is registered.

14 “(2) The designation of official authorization to lobby shall be signed by an official of each  
15 person that employs the lobbyist or in whose interest the lobbyist appears or works.

16 “(3) **A lobbyist must file a separate registration statement under this section for each**  
17 **person that employs the lobbyist or in whose interest the lobbyist appears or works.** If a  
18 lobbyist appears **or works** for a person for whom the lobbyist has not registered, the lobbyist shall  
19 register with the commission [*within three working days of the lobbyist’s appearance*] **not later than**  
20 **three business days after the day the lobbyist first appears or works for the person.**

21 “(4) If any of the information submitted by a lobbyist in the statement required under subsection  
22 (1) of this section changes, the lobbyist shall revise the statement within 30 days of the change.

23 “(5) A lobbyist registration expires December 31 of an odd-numbered year. If a lobbyist renews  
24 the registration before March 31 of the following even-numbered year, the commission shall consider  
25 the registration to have been effective as of December 31 of the odd-numbered year on which the  
26 registration expired.

27 “(6) For the statement required by this section, an entity comprised of more than one lobbyist  
28 may file one statement for the lobbyists [*that*] **who** comprise the entity. The statement the entity  
29 files must include the names of the individuals authorized to lobby on behalf of the client listed in  
30 the statement.”.

31 In line 17, delete “6” and insert “6d”.

32 In line 23, after “expended” insert “for food, refreshments and entertainment” and after “lobby-  
33 ing” insert a period.

34 Delete lines 24 through 28.

35 Delete lines 36 through 40.

36 In line 41, delete “(3)” and insert “(2)”.

37 On page 4, delete lines 3 through 6.

38 In line 7, delete “(5)” and insert “(3)”.

39 In line 9, delete “(6)” and insert “(4)”.

40 After line 27, insert:

41 “(c) The name of each registered lobbyist or entity comprised of more than one lobbyist to whom  
42 the person paid moneys for lobbying activities on the person’s behalf, excluding living and travel  
43 expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys paid  
44 to that lobbyist or entity.”.

45 Delete lines 28 through 32.

1 In line 33, delete “(3)” and insert “(2)”.

2 On page 5, after line 42, insert:

3 “(e) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly

4 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.”.

5 On page 6, line 7, delete “and”.

6 In line 9, delete the period and insert “; and

7 “(e) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS

8 244.020 (5)(b) and the application of the prohibition on entertainment contained in section 18 of this

9 2007 Act.”.

10 Delete lines 18 through 45 and insert:

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

12 “244.290. (1) The Oregon Government Standards and Practices Commission shall:

13 “(a) Prescribe forms for statements required by this chapter and provide the forms to persons

14 required to file the statements under this chapter or resolution adopted under this chapter.

15 “(b) Prepare, publish and provide a manual setting forth recommended uniform methods of re-

16 porting for use by persons filing statements under this chapter or resolution adopted under this

17 chapter.

18 “(c) Develop a filing, coding and cross-indexing system consistent with the purposes of this

19 chapter.

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

21 “(e) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly

22 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

23 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to

24 171.785 and 171.992 and this chapter, including rules to:

25 “(a) Create a procedure under which items before the commission may be treated under a con-

26 sent calendar and voted on as a single item;

27 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS

28 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions

29 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant

30 the public disclosure;

31 “(c) Establish an administrative process whereby a person subpoenaed by the commission may

32 obtain a protective order;

33 “(d) List criteria and establish a process for the commission to use prosecutorial discretion to

34 decide whether to proceed with an inquiry or investigation; and

35 “(e) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS

36 244.020 (5)(b) and the application of the prohibition on entertainment contained in section 18 of this

37 2007 Act.

38 “(3) The commission shall adopt by rule an electronic filing system under which statements re-

39 quired to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act [*may*] **must** be filed,

40 without a fee, with the commission in an electronic format. [*The commission shall accept statements*

41 *filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a format that is not*

42 *electronic.*]

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

44 of this 2007 Act[, *including statements that are not filed in an electronic format,*] available in a

45 searchable format for review by the public using the Internet.”.

1 On page 7, delete lines 1 and 2.

2 After line 4, insert:

3 **“SECTION 9c. If House Bill 2595 becomes law, sections 9 and 9a of this 2007 Act**  
4 **(amending ORS 244.290) and section 9b of this 2007 Act are repealed and ORS 244.290, as**  
5 **amended by section 3, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is amended**  
6 **to read:**

7 “244.290. (1) The Oregon Government Ethics Commission shall:

8 “(a) Prescribe forms for statements required by this chapter and provide the forms to persons  
9 required to file the statements under this chapter or pursuant to a resolution adopted under ORS  
10 244.160.

11 “(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
12 chapter.

13 “(c) Prepare and publish reports the commission finds are necessary.

14 “(d) Make advisory opinions issued by the commission or the executive director of the commis-  
15 sion available to the public at no charge on the Internet.

16 “(e) Accept and file any information voluntarily supplied that exceeds the requirements of this  
17 chapter.

18 “(f) Make statements and other information filed with the commission available for public in-  
19 spection and copying during regular office hours, and make copying facilities available at a charge  
20 not to exceed actual cost.

21 **“(g) Not later than February 1 of each odd-numbered year, report to the Legislative As-**  
22 **sembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.**

23 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
24 171.785 and 171.992 and this chapter, including rules to:

25 “(a) Create a procedure under which items before the commission may be treated under a con-  
26 sent calendar and voted on as a single item;

27 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
28 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
29 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
30 the public disclosure;

31 “(c) Establish an administrative process whereby a person subpoenaed by the commission may  
32 obtain a protective order;

33 “(d) List criteria and establish a process for the commission to use prosecutorial discretion to  
34 decide whether to proceed with an inquiry or investigation;

35 “(e) Establish a procedure under which the commission shall conduct accuracy audits of a  
36 sample of reports or statements filed with the commission under this chapter or ORS 171.725 to  
37 171.785;

38 **“(f) Describe the application of provisions exempting items from the definition of ‘gift’ in**  
39 **ORS 244.020 (5)(b) and the application of the prohibition on entertainment contained in sec-**  
40 **tion 18 of this 2007 Act;**

41 “[f)] (g) Specify when a continuing violation is considered a single violation or a separate and  
42 distinct violation for each day the violation occurs; and

43 “[g)] (h) Set criteria for determining the amount of civil penalties that the commission may  
44 impose.

45 “(3) The commission may adopt rules that:

1           “(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes  
2 that qualify under the class exception from the definition of ‘potential conflict of interest’ under ORS  
3 244.020;

4           “(b) Require the disclosure and reporting of gifts or other compensation made to or received by  
5 a public official or candidate for public office;

6           “(c) Establish criteria for cases in which information relating to notices of actual or potential  
7 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

8           “(d) Allow the commission to accept the filing of a statement containing less than all of the in-  
9 formation required under ORS 244.060 and 244.070 if the public official or candidate for public office  
10 certifies on the statement that the information contained on the statement previously filed is un-  
11 changed or certifies only as to any changed material.

12           “(4) Not less frequently than once each calendar year, the commission shall:

13           “(a) Consider adoption of rules the commission deems necessary to implement or interpret pro-  
14 visions of this chapter relating to issues the commission determines are of general interest to public  
15 officials or candidates for public office or that are addressed by the commission or by commission  
16 staff on a recurring basis; and

17           “(b) Review rules previously adopted by the commission to determine whether the rules have  
18 continuing applicability or whether the rules should be amended or repealed.

19           **“(5) The commission shall adopt by rule an electronic filing system under which state-  
20 ments required to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act may  
21 be filed, without a fee, with the commission in an electronic format. The commission shall  
22 accept statements filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a  
23 format that is not electronic.**

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

27           **“SECTION 9d.** If House Bill 2595 becomes law, ORS 244.290, as amended by section 3, chapter  
28 \_\_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), and section 9c of this 2007 Act, is amended to  
29 read:

30           “244.290. (1) The Oregon Government Ethics Commission shall:

31           “(a) Prescribe forms for statements required by this chapter and provide the forms to persons  
32 required to file the statements under this chapter or pursuant to a resolution adopted under ORS  
33 244.160.

34           “(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
35 chapter.

36           “(c) Prepare and publish reports the commission finds are necessary.

37           “(d) Make advisory opinions issued by the commission or the executive director of the commis-  
38 sion available to the public at no charge on the Internet.

39           “(e) Accept and file any information voluntarily supplied that exceeds the requirements of this  
40 chapter.

41           “(f) Make statements and other information filed with the commission available for public in-  
42 spection and copying during regular office hours, and make copying facilities available at a charge  
43 not to exceed actual cost.

44           “(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly  
45 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

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

3           “(a) Create a procedure under which items before the commission may be treated under a con-  
4 sent calendar and voted on as a single item;

5           “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
6 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
7 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
8 the public disclosure;

9           “(c) Establish an administrative process whereby a person subpoenaed by the commission may  
10 obtain a protective order;

11           “(d) List criteria and establish a process for the commission to use prosecutorial discretion to  
12 decide whether to proceed with an inquiry or investigation;

13           “(e) Establish a procedure under which the commission shall conduct accuracy audits of a  
14 sample of reports or statements filed with the commission under this chapter or ORS 171.725 to  
15 171.785;

16           “(f) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS  
17 244.020 (5)(b) and the application of the prohibition on entertainment contained in section 18 of this  
18 2007 Act;

19           “(g) Specify when a continuing violation is considered a single violation or a separate and dis-  
20 tinct violation for each day the violation occurs; and

21           “(h) Set criteria for determining the amount of civil penalties that the commission may impose.

22           “(3) The commission may adopt rules that:

23           “(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes  
24 that qualify under the class exception from the definition of ‘potential conflict of interest’ under ORS  
25 244.020;

26           “(b) Require the disclosure and reporting of gifts or other compensation made to or received by  
27 a public official or candidate for public office;

28           “(c) Establish criteria for cases in which information relating to notices of actual or potential  
29 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

30           “(d) Allow the commission to accept the filing of a statement containing less than all of the in-  
31 formation required under ORS 244.060 and 244.070 if the public official or candidate for public office  
32 certifies on the statement that the information contained on the statement previously filed is un-  
33 changed or certifies only as to any changed material.

34           “(4) Not less frequently than once each calendar year, the commission shall:

35           “(a) Consider adoption of rules the commission deems necessary to implement or interpret pro-  
36 visions of this chapter relating to issues the commission determines are of general interest to public  
37 officials or candidates for public office or that are addressed by the commission or by commission  
38 staff on a recurring basis; and

39           “(b) Review rules previously adopted by the commission to determine whether the rules have  
40 continuing applicability or whether the rules should be amended or repealed.

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

1 “(6) The commission shall make statements filed under ORS 244.050 and 244.100 and section 35  
2 of this 2007 Act[, *including statements that are not filed in an electronic format,*] available in a  
3 searchable format for review by the public using the Internet.

4 “**SECTION 9e. If House Bill 2595 becomes law, the amendments to ORS 244.290 by section  
5 9d of this 2007 Act become operative January 1, 2010.**”.

6 After line 26, insert:

7 “(4)(a) Except as provided in paragraph (b) of this subsection, the commission shall report, in  
8 the manner described in ORS 192.245, to the Legislative Assembly violations of any provision of ORS  
9 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, for which a penalty is imposed  
10 under this section. The report shall include the name of the person against whom the penalty was  
11 imposed and describe the nature of the violation.

12 “(b) The commission shall adopt rules specifying conditions under which repeated violations of  
13 ORS 171.745 or 171.750 involving a failure to file required statements in a timely fashion are re-  
14 ported to the Legislative Assembly.”.

15 In line 27, delete “(4)” and insert “(5)”.

16 On page 8, after line 14, insert:

17 “**SECTION 11a. If House Bill 2595 becomes law, section 11 of this 2007 Act (amending ORS  
18 244.350) is repealed and ORS 244.350, as amended by section 18, chapter \_\_, Oregon Laws 2007  
19 (Enrolled House Bill 2595), is amended to read:**

20 “244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-  
21 ceed:

22 “(a) Except as provided in paragraph (b) of this subsection, \$5,000 for violation of any provision  
23 of this chapter or any resolution adopted under ORS 244.160.

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

25 “(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil  
26 penalties not to exceed \$1,000 for violation of any provision of ORS 192.660.

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

29 “(3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708.  
30 A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that  
31 may be imposed under subsection (1) of this section.

32 “(4)(a) The commission may impose civil penalties on a person who fails to file the statement  
33 required under ORS 244.050 **or 244.100 or section 35 of this 2007 Act**. In enforcing this subsection,  
34 the commission is not required to follow the procedures in ORS 244.260 before finding that a vio-  
35 lation of ORS 244.050 **or 244.100 or section 35 of this 2007 Act** has occurred.

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

38 “(c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement  
39 is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day  
40 thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

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

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

1 After line 24, insert:

2 **“SECTION 12a. If House Bill 2595 becomes law, section 12 of this 2007 Act (amending ORS**  
3 **244.360) is repealed and ORS 244.360, as amended by section 19, chapter \_\_, Oregon Laws 2007**  
4 **(Enrolled House Bill 2595), is amended to read:**

5 “244.360. In addition to civil penalties imposed under ORS 244.350, if a public official has fi-  
6 nancially benefited the public official or any other person by violating any provision of this chapter,  
7 the Oregon Government Ethics Commission [or a court] may impose upon the public official a civil  
8 penalty in an amount equal to twice the amount the public official or other person realized as a  
9 result of the violation.”.

10 On page 14, line 30, after “relative” insert “or member of the household”.

11 In line 32, after “relatives” insert “or members of the household”.

12 In line 40, after “relatives” insert “or members of the household of the public official”.

13 Delete line 41.

14 In line 42, delete “(D)” and insert “(C)”.

15 In line 43, after the second “item” insert “, with a resale value reasonably expected to be less  
16 than \$25”.

17 In line 44, delete “(E) Unsolicited” and insert “(D)”.

18 On page 15, line 1, delete “(F)” and insert “(E)”.

19 In line 5, delete “(G)” and insert “(F)”.

20 Delete line 13 and insert “174.111, a local government as defined in ORS 174.116 or a special  
21 government body as defined in ORS 174.117.”.

22 In line 14, delete “(H)” and insert “(G)”.

23 Delete lines 16 through 25 and insert:

24 “(H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the  
25 public official accompanying the public official, a member of the household of the public official ac-  
26 companying the public official or a staff member of the public official accompanying the public offi-  
27 cial, when the public official is representing state government as defined in ORS 174.111, a local  
28 government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

29 “(i) On an officially sanctioned trade-promotion or fact-finding mission; or

30 “(ii) In officially designated negotiations, or economic development activities, where receipt of  
31 the expenses is approved in advance.

32 “(I) Food or beverage consumed by a public official acting in an official capacity:

33 “(i) In association with the review, approval, execution of documents or closing of a borrowing,  
34 investment or other financial transaction, including any business agreement between state govern-  
35 ment as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special govern-  
36 ment body as defined in ORS 174.117 and a private entity or public body as defined in ORS  
37 174.109;”.

38 In line 31, delete “(K)” and insert “(J)”.

39 In line 34, delete “(L)” and insert “(K)”.

40 In line 37, delete “(M)” and insert “(L)”.

41 After line 39, insert:

42 “(M) Entertainment provided to a public official or a relative or member of the household of the  
43 public official that is incidental to the main purpose of another event.

44 “(N) Entertainment provided to a public official or a relative or member of the household of the  
45 public official where the public official is acting in an official capacity while representing state

1 government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special  
2 government body as defined in ORS 174.117 for a ceremonial purpose.”.

3 On page 16, line 39, delete “officer” and insert “elected official, appointed official”.

4 In line 41, after “means” insert a colon and delete the rest of the line.

5 Delete lines 42 and 43 and insert:

6 “(a) The spouse of the public official;

7 “(b) The domestic partner of the public official;

8 “(c) Any children of the public official or of the public official’s spouse;

9 “(d) Siblings, spouses of siblings or parents of the public official or of the public official’s spouse;

10 “(e) Any individual for whom the public official has a legal support obligation; or

11 “(f) Any individual for whom the public official provides benefits arising from the public official’s  
12 public employment or from whom the public official receives benefits arising from that individual’s  
13 employment.”.

14 In line 45, after “244.080” insert “or 244.100”.

15 On page 17, after line 7, insert:

16 **“SECTION 16a. If House Bill 2595 becomes law, section 16 of this 2007 Act (amending ORS**  
17 **244.020) is repealed and ORS 244.020, as amended by section 8, chapter \_\_, Oregon Laws 2007**  
18 **(Enrolled House Bill 2595), is amended to read:**

19 “244.020. As used in this chapter, unless the context requires otherwise:

20 “(1) ‘Actual conflict of interest’ means any action or any decision or recommendation by a per-  
21 son acting in a capacity as a public official, the effect of which would be to the private pecuniary  
22 benefit or detriment of the person or the person’s relative or any business with which the person  
23 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-  
24 cumstances described in subsection [(14)] (11) of this section.

25 “(2) ‘Business’ means any corporation, partnership, proprietorship, firm, enterprise, franchise,  
26 association, organization, self-employed individual and any other legal entity operated for economic  
27 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section  
28 501(c) of the Internal Revenue Code with which a public official or a relative of the public official  
29 is associated only as a member or board director or in a nonremunerative capacity.

30 “(3) ‘Business with which the person is associated’ means:

31 “(a) Any private business or closely held corporation of which the person or the person’s rela-  
32 tive is a director, officer, owner or employee, or agent or any private business or closely held cor-  
33 poration in which the person or the person’s relative owns or has owned stock, another form of  
34 equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding  
35 calendar year;

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

39 “(c) Any publicly held corporation of which the person or the person’s relative is a director or  
40 officer; or

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

45 “[4] ‘Commission’ means the Oregon Government Ethics Commission.]

1 “[(5)] (4) ‘Development commission’ means any entity which has the authority to purchase, de-  
2 velop, improve or lease land or the authority to operate or direct the use of land. This authority  
3 must be more than ministerial.

4 “[6] ‘Expenditure’ has the meaning given that term in ORS 260.005.]

5 “[7] (5)(a) ‘Gift’ means something of economic value given to a public official or [the public  
6 official’s] **a relative or member of the household of the public official:**

7 “(A) Without valuable consideration of equivalent value, including the full or partial forgiveness  
8 of indebtedness, which is not extended to others who are not public officials or the relatives **or**  
9 **members of the household** of public officials on the same terms and conditions; **or** [and something  
10 of economic value given to a public official or the public official’s relative]

11 “(B) For valuable consideration less than that required from others who are not public officials.  
12 [However, ‘gift’ does not mean:]

13 “(b) ‘Gift’ does not mean:

14 “[a] Campaign contributions, as described in ORS chapter 260.]

15 “(A) **Contributions as defined in ORS 260.005.**

16 “[b] (B) Gifts from [family members.] **relatives or members of the household of the public**  
17 **official.**

18 “(C) **An unsolicited token or award of appreciation in the form of a plaque, trophy, desk**  
19 **item, wall memento or similar item, with a resale value reasonably expected to be less than**  
20 **\$25.**

21 “(D) **Informational material, publications or subscriptions related to the recipient’s per-**  
22 **formance of official duties.**

23 “(E) **Admission provided to or the cost of food or beverage consumed by a public official,**  
24 **or a member of the household or staff of the public official when accompanying the public**  
25 **official, at a reception, meal or meeting held by an organization before whom the public of-**  
26 **ficial appears to speak or to answer questions as part of a scheduled program.**

27 “(F) **Reasonable expenses paid by any unit of the federal government, a state or local**  
28 **government, a Native American Tribe that is recognized by federal law or formally ac-**  
29 **knowledged by a state, a membership organization to which a public body as defined in ORS**  
30 **174.109 pays membership dues or a not-for-profit corporation that is tax exempt under sec-**  
31 **tion 501(c)(3) of the Internal Revenue Code and that receives less than five percent of its**  
32 **funding from for-profit organizations or entities, for attendance at a convention, fact-finding**  
33 **mission or trip, or other meeting if the public official is scheduled to deliver a speech, make**  
34 **a presentation, participate on a panel or represent state government as defined in ORS**  
35 **174.111, a local government as defined in ORS 174.116 or a special government body as defined**  
36 **in ORS 174.117.**

37 “(G) **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 “(H) **Reasonable food, travel or lodging expenses provided to a public official, a relative**  
40 **of the public official accompanying the public official, a member of the household of the**  
41 **public official accompanying the public official or a staff member of the public official ac-**  
42 **companying the public official, when the public official is representing state government as**  
43 **defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government**  
44 **body as defined in ORS 174.117:**

45 “(i) **On an officially sanctioned trade-promotion or fact-finding mission; or**

1       “(ii) In officially designated negotiations, or economic development activities, where re-  
2       ceipt of the expenses is approved in advance.

3       “(I) Food or beverage consumed by a public official acting in an official capacity:

4       “(i) In association with the review, approval, execution of documents or closing of a  
5       borrowing, investment or other financial transaction, including any business agreement be-  
6       tween state government as defined in ORS 174.111, a local government as defined in ORS  
7       174.116 or a special government body as defined in ORS 174.117 and a private entity or public  
8       body as defined in ORS 174.109;

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

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

14       “(J) Waiver or discount of registration expenses or materials provided to a public official  
15       at a continuing education event that the public official may attend to satisfy a professional  
16       licensing requirement.

17       “(K) Expenses provided by one public official to another public official for travel inside  
18       this state to or from an event that bears a relationship to the receiving public official’s office  
19       and at which the official participates in an official capacity.

20       “(L) Food or beverage consumed by a public official at a reception where the food or  
21       beverage is provided as an incidental part of the reception and no cost is placed on the food  
22       or beverage.

23       “(M) Entertainment provided to a public official or a relative or member of the household  
24       of the public official that is incidental to the main purpose of another event.

25       “(N) Entertainment provided to a public official or a relative or member of the household  
26       of the public official where the public official is acting in an official capacity while repre-  
27       senting state government as defined in ORS 174.111, a local government as defined in ORS  
28       174.116 or a special government body as defined in ORS 174.117 for a ceremonial purpose.

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

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

34       “[(e) *The giving or receiving of entertainment if the entertainment is experienced by the public of-*  
35       *ficial or the public official’s relatives in the presence of the purchaser or provider thereof and the value*  
36       *of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250*  
37       *in any one calendar year.]*

38       “[(8)] (6) [*Honoraria*] ‘**Honorarium**’ means a payment or something of economic value given  
39       to a public official in exchange for services upon which custom or propriety prevents the setting of  
40       a price. Services include, but are not limited to, speeches or other services rendered in connection  
41       with an event [*at which the public official appears in an official capacity*].

42       “[(9)] (7) ‘Income’ means income of any nature derived from any source, including, but not lim-  
43       ited to, any salary, wage, advance, payment, dividend, interest, rent, [*honoraria*] **honorarium**, return  
44       of capital, forgiveness of indebtedness, or anything of economic value.

45       “[(10)] (8) ‘Legislative or administrative interest’ means an economic interest, distinct from that

1 of the general public, in one or more bills, resolutions, regulations, proposals or other matters sub-  
2 ject to the action or vote of a person acting in the capacity of a public official.

3 “[(11) ‘Legislative official’ means any member or member-elect of the Legislative Assembly, any  
4 member of an agency, board or committee that is part of the legislative branch and any staff person,  
5 assistant or employee thereof.]

6 “[(12) ‘Member of household’ means any relative who resides with the public official.]

7 “(9) **‘Member of the household’ means any person who resides with the public official.**

8 “[(13)] (10) ‘Planning commission’ means a county planning commission created under ORS  
9 chapter 215 or a city planning commission created under ORS chapter 227.

10 “[(14)] (11) ‘Potential conflict of interest’ means any action or any decision or recommendation  
11 by a person acting in a capacity as a public official, the effect of which could be to the private  
12 pecuniary benefit or detriment of the person or the person’s relative, or a business with which the  
13 person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out  
14 of the following:

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

17 “(b) Any action in the person’s official capacity which would affect to the same degree a class  
18 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or  
19 other group including one of which or in which the person, or the person’s relative or business with  
20 which the person or the person’s relative is associated, is a member or is engaged.

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

23 “(12) **‘Public office’ has the meaning given that term in ORS 260.005.**

24 “[(15)] (13) ‘Public official’ means any person who, when an alleged violation of this chapter  
25 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body  
26 [of the state] **as defined in ORS 174.109** as an [officer] **elected official, appointed official**, employee,  
27 agent or otherwise, [and] irrespective of whether the person is compensated for [such] **the** services.

28 “[(16)] (14) ‘Relative’ means [the spouse of the public official, any children of the public official  
29 or of the public official’s spouse, and brothers, sisters or parents of the public official or of the public  
30 official’s spouse.]:

31 “(a) **The spouse of the public official;**

32 “(b) **The domestic partner of the public official;**

33 “(c) **Any children of the public official or of the public official’s spouse;**

34 “(d) **Siblings, spouses of siblings or parents of the public official or of the public official’s**  
35 **spouse;**

36 “(e) **Any individual for whom the public official has a legal support obligation; or**

37 “(f) **Any individual for whom the public official provides benefits arising from the public**  
38 **official’s public employment or from whom the public official receives benefits arising from**  
39 **that individual’s employment.**

40 “[(17)] (15) ‘Statement of economic interest’ means a statement as described by ORS 244.060 to  
41 244.080 **or 244.100.**

42 “[(18) ‘Statewide official’ means the Secretary of State or Secretary of State-elect, State Treasurer  
43 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-  
44 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor  
45 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.]

1 “[(19)] (16) ‘Zoning commission’ means an entity to which is delegated at least some of the dis-  
2 cretionary authority of a planning commission or governing body relating to zoning and land use  
3 matters.”.

4 In line 17, after “relative” insert “or member of the household” in both places.

5 In line 23, after “relative” insert “or member of the household”.

6 In line 28, after “relative” insert “or member of the household”.

7 In line 31, after “relative” insert “or member of the household”.

8 In line 35, after “relative” insert “or member of the household”.

9 On page 18, after line 28, insert:

10 “(5) A person who has ceased to be a public official may not attempt to further or further the  
11 personal gain of any person through the use of confidential information gained in the course of or  
12 by reason of holding position as a public official or the activities of the person as a public  
13 official.”.

14 In line 29, restore “(6)” and delete “(5)”.

15 In line 32, delete “(6)” and insert “(7)”.

16 In line 35, after “relative” insert “or member of the household”.

17 In line 43, after “relative” insert “or member of the household”.

18 On page 19, line 3, after “relative” insert “or member of the household”.

19 Delete lines 5 and 6 and insert:

20 “(4) Notwithstanding subsection (1) of this section:

21 “(a) A public official, a candidate for public office or a relative or member of the household of  
22 the public official or candidate may not solicit or receive, directly or indirectly, any gift of payment  
23 of expenses for entertainment from any single source that could reasonably be known to have a  
24 legislative or administrative interest in any governmental agency in which the public official holds,  
25 or the candidate if elected would hold, any official position or over which the public official exer-  
26 cises, or the candidate if elected would exercise, any authority.

27 “(b) A person who has a legislative or administrative interest in any governmental agency in  
28 which a public official holds any official position or over which the public official exercises any  
29 authority may not offer to the public official or a relative or member of the household of the public  
30 official any gift of payment of expenses for entertainment.

31 “(c) A person who has a legislative or administrative interest in any governmental agency in  
32 which a candidate for public office if elected would hold any official position or over which the  
33 candidate if elected would exercise any authority may not offer to the candidate or a relative or  
34 member of the household of the candidate any gift of payment of expenses for entertainment.

35 “(5) This section does not apply to public officials subject to the Oregon Code of Judicial Con-  
36 duct.”.

37 In line 9, delete “person” and insert “public official or candidate for public office”.

38 After line 37, insert:

39 “(5) The name of each member of the household of the person who is 18 years of age or older.

40 “(6) The name of each relative of the person who is 18 years of age or older and not a member  
41 of the household of the person.”.

42 On page 20, line 43, delete “(5)(b)(G)” and insert “(5)(b)(F)”.

43 After line 45, insert:

44 “(b) Any expenses with an aggregate value exceeding \$50 received by the public official when  
45 participating in a mission or negotiations or economic development activities described in ORS

1 244.020 (5)(b)(H). The statement shall include the name and address of the person paying the ex-  
2 penses, the nature of the event and the date and amount of the expenditure.”.

3 On page 21, line 1, delete “(b)” and insert “(c)”.

4 In line 5, delete “(c)” and insert “(d)”.

5 In line 17, delete “(5)(b)(G)” and insert “(5)(b)(F)”.

6 After line 25, insert:

7 **“SECTION 21a. If House Bill 2595 becomes law, section 21 of this 2007 Act (amending ORS**  
8 **244.100) is repealed and ORS 244.100, as amended by section 6, chapter \_\_, Oregon Laws 2007**  
9 **(Enrolled House Bill 2595), is amended to read:**

10 *“244.100. [In addition to any disclosures or reports required under this chapter or rules adopted*  
11 *under ORS 244.290, any person or organization that provides a public official with food, lodging or*  
12 *travel expenses exceeding \$100, as described in ORS 244.060 (6), shall notify the public official in*  
13 *writing of the amount of the expense. The notice shall be sent to the public official within 10 days from*  
14 *the date the expenses are incurred.]*

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

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

24 **“(b) Any expenses with an aggregate value exceeding \$50 received by the public official**  
25 **when participating in a mission or negotiations or economic development activities described**  
26 **in ORS 244.020 (5)(b)(H). The statement shall include the name and address of the person**  
27 **paying the expenses, the nature of the event and the date and amount of the expenditure.**

28 **“(c) All honoraria allowed under section 24 of this 2007 Act exceeding \$15 received by the**  
29 **public official, candidate or member of the household of the official or candidate, the payer**  
30 **of each honorarium and the date and time of the event for which the honorarium was re-**  
31 **ceived.**

32 **“(d) Each source of income exceeding an aggregate amount of \$1,000, whether or not**  
33 **taxable, received by the public official or candidate for public office, or a member of the**  
34 **household of the public official or candidate, if the source of that income is derived from an**  
35 **individual or business that has been doing business, does business or could reasonably be**  
36 **expected to do business with, or has legislative or administrative interest in, the govern-**  
37 **mental agency of which the public official holds, or the candidate if elected would hold, any**  
38 **official position or over which the public official exercises, or the candidate if elected would**  
39 **exercise, any authority.**

40 **“(2) In addition to statements required under subsection (1) of this section:**

41 **“(a) Any organization or unit of government that provides a public official with expenses**  
42 **with an aggregate value exceeding \$50 for an event described in ORS 244.020 (5)(b)(F) shall**  
43 **notify the public official in writing of the amount of the expense. The organization or unit**  
44 **shall provide the notice to the public official within 10 days from the date the expenses are**  
45 **incurred.**

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

6       In line 26, delete “Section 23 of this 2007 Act is” and insert “Sections 23 and 23a of this 2007  
7 Act are”.

8       In line 36, delete “7” and insert “15”.

9       After line 37, insert:

10       “**SECTION 23a. (1) As used in this section:**

11       “(a) ‘Public body’ has the meaning given that term in ORS 174.109.

12       “(b) ‘Public contract’ has the meaning given that term in ORS 279A.010.

13       “(2) Except as provided in subsection (3) of this section, a person may not, for two years  
14 after the person ceases to hold a position as a public official, have a direct beneficial financial  
15 interest in a public contract that was authorized by:

16       “(a) The person acting in the capacity of a public official; or

17       “(b) A board, commission, council, bureau, committee or other governing body of a public  
18 body of which the person was a member when the contract was authorized.

19       “(3) Subsection (2) of this section does not apply to a person who was a member of a  
20 board, commission, council, bureau, committee or other governing body of a public body  
21 when the contract was authorized, but who did not participate in the authorization of the  
22 contract.”.

23       On page 22, after line 27, insert:

24       “**SECTION 25a. If House Bill 2595 becomes law, section 25 of this 2007 Act (amending ORS**  
25 **244.280) is repealed and ORS 244.280, as amended by section 12, chapter \_\_, Oregon Laws 2007**  
26 **(Enrolled House Bill 2595), is amended to read:**

27       “244.280. (1) Upon the written request of any person, or upon its own motion, the Oregon Gov-  
28 ernment Ethics Commission, under signature of the chairperson, may issue and publish written  
29 commission advisory opinions on the application of any provision of this chapter to any proposed  
30 transaction or action or any actual or hypothetical circumstance. A commission advisory opinion,  
31 and a decision by the commission to issue an advisory opinion on its own motion, must be approved  
32 by a majority of the members of the commission. Legal counsel to the commission shall review a  
33 proposed commission advisory opinion before the opinion is considered by the commission.

34       “(2) Not later than 60 days after the date the commission receives the written request for a  
35 commission advisory opinion, the commission shall issue either the opinion or a written denial of the  
36 request. The written denial shall explain the reasons for the denial. The commission may ask the  
37 person requesting the advisory opinion to supply additional information the commission considers  
38 necessary to render the opinion. The commission, by vote of a majority of the members of the com-  
39 mission, may extend the 60-day deadline by one period not to exceed 60 days.

40       “(3) Except as provided in this subsection, unless the commission advisory opinion is revised or  
41 revoked, the commission [*or a court*] may not impose a penalty under ORS 244.350 or 244.360 on a  
42 person for any good faith action the person takes in reliance on an advisory opinion issued under  
43 this section. The commission [*or a court*] may impose a penalty under ORS 244.350 or 244.360 on the  
44 person who requested the advisory opinion if the commission [*or court*] determines that the person  
45 omitted or misstated material facts in making the request.”.

1 On page 24, delete lines 5 through 8 and insert:

2 “(2) Proceeds from the trust fund may be used by the public official to defray legal expenses  
3 incurred by the public official in any civil, criminal or other legal proceeding or investigation that  
4 relates to or arises from the course and scope of duties of the person as a public official. The legal  
5 expenses must be incurred in connection with:

6 “(a) The issuance of a court’s stalking protective order under ORS 30.866 or 163.738;

7 “(b) The issuance of a citation under ORS 163.735;

8 “(c) A criminal prosecution under ORS 163.732;

9 “(d) A civil action under ORS 30.866; or

10 “(e) Defending the public official in a proceeding or investigation brought or maintained by a  
11 public body as defined in ORS 174.109.”.

12 On page 27, after line 38, insert:

13 “**SECTION 38a.** ORS 244.110 is amended to read:

14 “244.110. (1) Any statement of economic interest required to be filed by ORS 244.050, 244.060,  
15 244.070, 244.080, 244.090 or 244.100 **or by rule** shall contain or be verified by a written declaration  
16 that it is made under the penalties of false swearing. [*Such*] **The** declaration [*shall be*] **is** in lieu  
17 of any oath otherwise required.

18 “(2) [*No*] **A** person [*shall*] **may not** willfully make and subscribe any return statement or other  
19 document [*which*] **that** contains or is verified by a written declaration that it is made under penal-  
20 ties for false swearing, which the person does not believe to be true and correct to every matter.

21 “**SECTION 38b. If House Bill 2595 becomes law, section 38a of this 2007 Act (amending**  
22 **ORS 244.110) is repealed.**”.

23 After line 44, insert:

24 “**SECTION 39a.** ORS 244.390, as amended by section 2, chapter \_\_\_, Oregon Laws 2007 (En-  
25 rolled House Bill 2595), is amended to read:

26 “244.390. (1) A penalty or sanction imposed [*issued*] by the Oregon Government Ethics Commis-  
27 sion [*or a court*] under this chapter is in addition to and not in lieu of any other penalty or sanction  
28 that may be imposed according to law.

29 “(2) Before making a finding that there is cause to undertake an investigation under ORS  
30 244.260 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission [*or a*  
31 *court*] shall consider the public interest and any other penalty or sanction that has been or may be  
32 imposed on the public official as a result of the same conduct that is the subject of action by the  
33 commission [*or court*] under ORS 244.260.

34 “(3) Nothing in this chapter is intended to affect:

35 “(a) Any statute requiring disclosure of economic interest by any public official or candidate for  
36 public office.

37 “(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or  
38 candidate for public office.

39 “**SECTION 39b.** Section 5, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
40 amended to read:

41 “**Sec. 5.** (1) For the purpose of protecting against violations of the provisions of this chapter, a  
42 state agency, as defined in ORS 183.750, or a statewide association of public bodies, as defined in  
43 ORS 174.109, may adopt rules or policies interpreting the provisions of this chapter. The rules or  
44 policies must be consistent with the provisions of this chapter. A state agency or a statewide asso-  
45 ciation of public bodies may submit rules or policies adopted under this subsection to the Oregon

1 Government Ethics Commission for review.

2 “(2) Upon receiving rules or policies submitted under subsection (1) of this section, the com-  
3 mission shall review the rules and policies to determine whether the rules and policies are consist-  
4 ent with the provisions of this chapter. The commission, by a vote of a majority of the members of  
5 the commission, shall approve or reject the rules or policies. The commission shall notify the state  
6 agency or statewide association of public bodies in writing of the commission’s approval or rejection.  
7 A written notice of rejection shall explain the reasons for the rejection.

8 “(3) Unless the applicable rule or policy is amended or repealed by the state agency or the  
9 statewide association of public bodies, the commission [*or a court*] may not impose a penalty under  
10 ORS 244.350 or 244.360 on a public official for any good faith action the official takes in compliance  
11 with a rule or policy that was adopted by the state agency that the official serves, or by a statewide  
12 association of which the public body that the official serves is a member, and approved by the  
13 commission under subsection (2) of this section.

14 “**SECTION 39c.** Section 14, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
15 amended to read:

16 “**Sec. 14.** (1) Upon the written request of any person, the executive director of the Oregon  
17 Government Ethics Commission may issue and publish written staff advisory opinions on the appli-  
18 cation of any provision of this chapter to any proposed transaction or action or any actual or hy-  
19 pothetical circumstance.

20 “(2) Not later than 30 days after the date the executive director receives the written request for  
21 a staff advisory opinion, the executive director shall issue either the opinion or a written denial of  
22 the request. The written denial shall explain the reasons for the denial. The executive director may  
23 ask the person requesting the advisory opinion to supply additional information the executive di-  
24 rector considers necessary to render the opinion. The executive director may extend the 30-day  
25 deadline by one period not to exceed 30 days. The executive director shall clearly designate an  
26 opinion issued under this section as a staff advisory opinion.

27 “(3) Except as provided in this subsection, unless the staff advisory opinion is revised or re-  
28 voked, before imposing any penalty under ORS 244.350 or 244.360, the commission [*or a court*] shall  
29 consider whether the action that may be subject to penalty was taken in reliance on a staff advisory  
30 opinion issued under this section. If a penalty may be imposed on the person who requested the  
31 opinion, the commission [*or court*] is not required to consider reliance on the opinion if the com-  
32 mission [*or court*] determines that the person omitted or misstated material facts in making the re-  
33 quest.

34 “(4) At each regular meeting of the commission, the executive director shall report to the com-  
35 mission on all staff advisory opinions issued since the last regular meeting of the commission. The  
36 commission on its own motion may issue a commission advisory opinion under ORS 244.280 on the  
37 same facts or circumstances that form the basis for any staff advisory opinion.

38 “**SECTION 39d.** Section 15, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
39 amended to read:

40 “**Sec. 15.** (1) Upon the written or oral request of any person, the executive director or other  
41 staff of the Oregon Government Ethics Commission may issue written or oral staff advice on the  
42 application of any provision of this chapter to any proposed transaction or action or any actual or  
43 hypothetical circumstance. Any written advice not designated as a staff advisory opinion under  
44 section 14, **chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595)**, [*of this 2007 Act*] is con-  
45 sidered staff advice issued under this section.

1 “(2) Before imposing any penalty under ORS 244.350 or 244.360, the commission [*or a court*] may  
2 consider whether the action that may be subject to penalty was taken in reliance on staff advice  
3 issued under this section.

4 “**SECTION 39e.** Section 40b, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
5 amended to read:

6 “**Sec. 40b.** (1) The amendments to ORS 244.250 by section 1, **chapter \_\_\_, Oregon Laws 2007**  
7 **(Enrolled House Bill 2595)**, [*of this 2007 Act*] are intended to change the name of the ‘Oregon  
8 Government Standards and Practices Commission’ to the ‘Oregon Government Ethics Commission.’

9 “(2) The amendments to ORS 244.345 by section 40a, **chapter \_\_\_, Oregon Laws 2007 (Enrolled**  
10 **House Bill 2595)**, [*of this 2007 Act*] are intended to change the name of the ‘Oregon Government  
11 Standards and Practices Commission Account’ to the ‘Oregon Government Ethics Commission Ac-  
12 count.’

13 “(3) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised  
14 Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon Government  
15 Standards and Practices Commission,’ wherever they occur in Oregon Revised Statutes, other words  
16 designating the ‘Oregon Government Ethics Commission.’

17 “(4) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised  
18 Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon Government  
19 Standards and Practices Commission Account,’ wherever they occur in Oregon Revised Statutes,  
20 other words designating the ‘Oregon Government Ethics Commission Account.’

21 “(5) **Any reference to the Oregon Government Standards and Practices Commission in**  
22 **an Act enacted by the Seventy-fourth Legislative Assembly and not published in Oregon Re-**  
23 **vised Statutes is considered a reference to the Oregon Government Ethics Commission.**

24 “(6) **Any reference to the Oregon Government Standards and Practices Commission Ac-**  
25 **count in an Act enacted by the Seventy-fourth Legislative Assembly and not published in**  
26 **Oregon Revised Statutes is considered a reference to the Oregon Government Ethics Com-**  
27 **mission Account.”.**

28 Delete line 45 and insert:

29 “**SECTION 40.** (1) Sections 1 to 5, 15a, 15b, 18, 22, 23, 23a, 24, 28 and 29 to 37 of this 2007 Act  
30 and the amendments to ORS 171.725, 171.730, 171.735, 171.740, 171.745, 171.750, 171.772, 171.992,  
31 244.020, 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.110, 244.280, 244.290, 244.350, 244.360,  
32 260.407, 293.708, 351.067 and 353.270 by sections 6 to 8, 9, 10 to 15, 16, 17, 19 to 21, 25 to 27, 38 and  
33 38a of this 2007 Act become operative January 1, 2008.”.

34 On page 28, delete lines 1 through 4.

35 In line 12, delete “6” and insert “6d”.

36 In line 14, delete “6” and insert “6d”.

37 On page 29, after line 27, insert:

38 “**SECTION 46.** (1) **Except as provided in subsections (2) and (3) of this section, section 23a**  
39 **of this 2007 Act and the amendments to ORS 244.040 (5) by section 17 of this 2007 Act apply**  
40 **to public officials who cease to hold positions as public officials on or after January 1, 2008.**

41 “(2) **Except as provided in subsection (3) of this section, section 23a of this 2007 Act and**  
42 **the amendments to ORS 244.040 (5) by section 17 of this 2007 Act apply to public officials**  
43 **holding elective public office whose terms of office begin, or who are appointed to the office,**  
44 **on or after January 1, 2008.**

45 “(3) **Section 23a of this 2007 Act applies to an individual who ceases to hold the position**

1 **of State Treasurer on or after January 1, 2008.**

2 **“SECTION 47.** If House Bill 2595 becomes law, section 40 of this 2007 Act is amended to read:

3 **“Sec. 40.** (1) Sections 1 to 5, 15a, 15b, 18, 22, 23, 23a, 24, 28 and 29 to 37 of this 2007 Act and  
4 the amendments to ORS 171.725, 171.730, 171.735, 171.740, 171.745, 171.750, 171.772, 171.992, 244.020,  
5 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.110, 244.280, 244.290, 244.350, 244.360, 260.407,  
6 293.708, 351.067 and 353.270 by sections 6 to 8, [9] **9c**, 10, **11a**, **12a**, **13** to 15, [16] **16a**, 17, 19 [to  
7 21], **20**, **21a**, [25 to] **25a**, **26**, 27, 38 and 38a of this 2007 Act become operative January 1, 2008.

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

13 **“SECTION 48.** If House Bill 2595 becomes law, section 41 of this 2007 Act is amended to read:

14 **“Sec. 41.** (1) Section 5 of this 2007 Act and the amendments to ORS 171.745 and 171.750 by  
15 sections 6d and 7 of this 2007 Act apply to statements required to be filed for reporting periods  
16 beginning on or after January 1, 2008.

17 **“(2)** The first statement filed under ORS 171.745, as amended by section 6d of this 2007 Act, shall  
18 include amounts expended prior to January 1, 2008, that were not included in a statement filed prior  
19 to January 1, 2008.

20 **“(3)** Notwithstanding ORS 171.750, as amended by section 7 of this 2007 Act, a person required  
21 to file a statement under ORS 171.750 for the calendar year 2007 shall file the statement not later  
22 than January 31, 2008.

23 **“(4)** The amendments to ORS 171.772 and 244.290 by sections 8 and [9] **9c** of this 2007 Act apply  
24 to statements required to be filed on or after January 1, 2008.

25 **“(5)** The amendments to ORS 171.992 and 244.350 by sections 10 and [11] **11a** of this 2007 Act  
26 apply to:

27 **“(a)** Violations of any provision of ORS 171.740 to 171.762, any rule adopted under ORS 171.725  
28 to 171.785, ORS chapter 244 or any resolution adopted under ORS [*chapter 244*] **244.160** occurring  
29 on or after January 1, 2008;

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

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

32 **“(6)** The amendments to ORS 244.360 by section [12] **12a** of this 2007 Act apply to violations of  
33 any provision of ORS chapter 244 occurring prior to, on or after January 1, 2008.

34 **“(7)** The amendments to ORS 244.050 by section 13 of this 2007 Act apply to statements of eco-  
35 nomic interest required to be filed on or after January 1, 2008.

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

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

40 **“SECTION 49.** If House Bill 2595 becomes law, section 42 of this 2007 Act is amended to read:

41 **“Sec. 42.** (1) Section 18 of this 2007 Act applies to gifts received or made on or after January  
42 1, 2008.

43 **“(2)** The amendments to ORS 244.020 and 244.040 by sections [16] **16a** and 17 of this 2007 Act  
44 apply to activities that occur on or after January 1, 2008.

45 **“(3)** Section 24 of this 2007 Act applies to honoraria solicited or received on or after January

1 1, 2008.

2 “(4) The amendments to ORS 244.060 and 244.100 by sections 19 and [21] **21a** of this 2007 Act  
3 apply to expenses received or paid on or after January 1, 2008. A public official shall list on the first  
4 statement of economic interest filed after January 1, 2008, all expenses the public official received  
5 prior to January 1, 2008, that were:

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

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

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

10 “**SECTION 50.** If House Bill 2595 becomes law, section 43 of this 2007 Act is amended to read:

11 “**Sec. 43.** (1) Sections 29 to 37 of this 2007 Act and the amendments to ORS 244.020, 244.040 and  
12 244.350 by sections [11, 16] **11a, 16a** and 17 of this 2007 Act apply to legal expense trust funds es-  
13 tablished for legal proceedings commenced prior to, on or after January 1, 2008.

14 “(2) The amendments to ORS 244.020 and 244.040 by sections [16] **16a** and 17 of this 2007 Act  
15 apply to contributions made to legal expense trust funds on or after January 1, 2008.

16 “**SECTION 51.** If House Bill 2595 becomes law, section 45 of this 2007 Act is amended to read:

17 “**Sec. 45.** (1) The amendments to ORS 244.020, 244.050, 244.060 and 244.070 by sections 13, [16]  
18 **16a**, 19 and 20 of this 2007 Act apply to statements required to be filed with the Oregon Government  
19 [Standards and Practices] **Ethics** Commission for reporting periods beginning on or after January  
20 1, 2008.

21 “(2) Section 23 of this 2007 Act and the amendments to ORS 244.100 by section [21] **21a** of this  
22 2007 Act apply to statements required to be filed and notices required to be provided for reporting  
23 periods beginning on or after January 1, 2008.”.

24 In line 28, delete “46” and insert “52”.

25 In line 31, delete “47” and insert “53”.

26