

## SENATE AMENDMENTS TO SENATE BILL 10

By COMMITTEE ON RULES

April 5

1 On page 1 of the printed bill, line 4, delete “260.995.”.

2 On page 2, line 1, delete “ORS chapter 244” and insert “this chapter”.

3 Delete lines 2 through 6 and insert:

4 “(2)(a) The commission shall charge each public body as defined in ORS 174.109 for the public  
5 body’s share of the expenses described in subsection (1) of this section for the biennium.

6 “(b) For public bodies in state government as defined in ORS 174.111, and special government  
7 bodies as defined in ORS 174.117 that are not subject to the Municipal Audit Law, the commission  
8 shall set the charges at a rate that is not less than \$\_\_\_\_\_ and not more than \$\_\_\_\_\_ per public  
9 official serving the public body or special government body against which the fee is charged. The  
10 commission shall charge each public body in state government and special government body the  
11 same rate.

12 “(c) For local governments and local service districts as defined in ORS 174.116, and special  
13 government bodies as defined in ORS 174.117 that are subject to the Municipal Audit Law, the  
14 commission shall set the charges at a rate equal to \_\_\_\_\_ percent of the annual municipal audit  
15 filing fee paid by the local government, local service district or special government body under ORS  
16 297.485. If a local government, local service district or special government body is not required to  
17 file an audit report, the commission shall set the charge for that local government, local service  
18 district or special government body at a rate equal to \_\_\_\_\_ percent of the annual municipal audit  
19 filing fee that would apply under ORS 297.485 if the local government, local service district or spe-  
20 cial government body were required to file an audit report.”.

21 On page 3, delete lines 9 through 11 and insert:

22 “(b) The name of any legislative or executive official to whom or for whose benefit, on any one  
23 occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee, purpose  
24 and amount of that expenditure. This paragraph applies if the total amount expended on the occa-  
25 sion by one or more persons exceeds \$50.”.

26 In line 12, delete “1979” and insert “2009”.

27 In line 29, delete “(3)” and insert “(2)”.

28 Delete lines 40 through 43 and insert:

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

34 In line 44, delete “1979” and insert “2009”.

35 On page 4, line 5, delete “(3)” and insert “(2)”.

1 Delete lines 17 through 23 and insert:

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

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

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

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

11 “171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government  
12 Standards and Practices Commission shall:

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

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

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

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

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

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

28 “**SECTION 8b. The amendments to ORS 171.772 by section 8a of this 2007 Act become**  
29 **operative January 1, 2010.**”.

30 On page 5, delete lines 3 through 5 and insert:

31 “(3) The commission shall adopt by rule an electronic filing system under which statements re-  
32 quired to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act may be filed,  
33 without a fee, with the commission in an electronic format. The commission shall accept statements  
34 filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a format that is not elec-  
35 tronic.

36 “(4) The commission shall make statements filed under ORS 244.050 and 244.100 and section 35  
37 of this 2007 Act, including statements that are not filed in an electronic format, available in a  
38 searchable format for review by the public using the Internet.

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

40 “244.290. (1) The Oregon Government Standards and Practices Commission shall:

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

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

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

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

4 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
5 171.785 and 171.992 and this chapter, including rules to:

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

8 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
9 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
10 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
11 the public disclosure;

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

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

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

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

24 “**SECTION 9b. The amendments to ORS 244.290 by section 9a of this 2007 Act become**  
25 **operative January 1, 2010.**”.

26 Delete lines 14 through 17 and insert:

27 “(2)(a) The commission may impose civil penalties upon a person who fails to file the statement  
28 required under ORS 171.745 or 171.750. In enforcing this subsection, the commission is not required  
29 to follow the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750  
30 has occurred.”.

31 After line 27, insert:

32 “(4) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil pen-  
33 alty under this section, the commission may issue a written letter of reprimand, explanation or ed-  
34 ucation.”.

35 Delete lines 42 through 45 and insert:

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

40 On page 6, line 2, after “244.050” insert “or 244.100”.

41 After line 6, insert:

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

45 In line 7, delete “(5)” and insert “(6)”.

1 On page 8, line 28, before the second “commission” insert “Oregon Government Standards and  
2 Practices”.

3 On page 9, line 31, delete “or”.

4 Delete line 36 and insert “this chapter, other than a civil penalty imposed for a violation of this  
5 section or ORS 260.409; or

6 “(c) Except as provided in this paragraph, used to pay any legal expenses incurred by the can-  
7 didate or public official in any civil, criminal or other legal proceeding or investigation that relates  
8 to or arises from the course and scope of the duties of the person as a candidate or public official.  
9 Contributions described in this subsection may be used to pay legal expenses incurred by the can-  
10 didate or public official in connection with a legal proceeding brought under this chapter, other than  
11 a proceeding brought under this section or ORS 260.409.”.

12 Delete lines 44 and 45.

13 On page 10, delete lines 1 through 41.

14 On page 12, delete lines 10 through 15 and insert:

15 “(6) A person who has been a member of the Legislative Assembly may not receive money or  
16 any other consideration for lobbying as defined in ORS 171.725 performed during the period begin-  
17 ning on the date the person ceases to be a member of the Legislative Assembly and ending on the  
18 date of adjournment sine die of the next regular session of the Legislative Assembly that begins  
19 after the date the person ceases to be a member of the Legislative Assembly.

20 **“SECTION 15a. Section 15b of this 2007 Act is added to and made a part of ORS chapter  
21 244.**

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

25 **“(2) This section is repealed January 1, 2011.”.**

26 On page 13, delete lines 23 through 25 and insert:

27 “(F) Admission provided to or the cost of food or beverage consumed by a public official, or a  
28 member of the household or staff of the public official when accompanying the public official, at a  
29 reception, meal or meeting held by an organization before whom the public official appears to speak  
30 or to answer questions as part of a scheduled program.”.

31 In line 28, after the comma insert “a membership organization to which a public body as defined  
32 in ORS 174.109 pays membership dues”.

33 After line 35, insert:

34 “(I) Reasonable food, travel or lodging expenses provided to a public official, or to a member  
35 of the household or staff of the public official when accompanying the public official, when the  
36 public official is representing state government as defined in ORS 174.111 or local government as  
37 defined in ORS 174.116 on an officially sanctioned trade-promotion or fact-finding mission outside the  
38 United States.

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

40 “(i) In association with the final review, approval, execution of documents or closing of a bor-  
41 rowing, investment or other financial transaction;

42 “(ii) While engaged in due diligence research or presentations by the office of the State Treas-  
43 urer related to an existing or proposed investment or borrowing; or

44 “(iii) While engaged in a meeting of an advisory, governance or policy-making body of a corpo-  
45 ration, partnership or other entity in which the office of the State Treasurer has invested

1 moneys.”.

2 On page 14, delete line 13 and insert:

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

4 On page 16, after line 44, insert:

5 “(4) This section does not apply to judges or other public officials serving the judicial depart-

6 ment as defined in ORS 174.113.”.

7 On page 18, delete lines 34 through 40.

8 In line 41, delete “(b)” and insert “(a)” and delete “\$75” and insert “\$50”.

9 On page 19, line 1, delete “(c)” and insert “(b)”.

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

11 Delete lines 13 through 23.

12 In line 24, delete “(3)” and insert “(2)” and delete “subsections (1) and (2)” and insert “sub-

13 section (1)”.

14 In line 28, delete “\$75” and insert “\$50”.

15 Delete lines 37 through 41.

16 On page 22, delete lines 21 through 26 and insert:

17 “(2) Proceeds from the trust fund may be used by the public official to defray legal expenses

18 incurred by the public official in any civil, criminal or other legal proceeding or investigation that

19 relates to or arises from the course and scope of duties of the person as a public official.”.

20 On page 26, line 18, after “5,” insert “15a, 15b,”.

21 In line 20, delete “260.995,”.

22 In line 21, delete “6 to 17” and insert “6 to 8, 9, 10 to 15, 16, 17”.

23 On page 27, delete lines 24 and 25.

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