

House Bill 2915

Sponsored by Representative JENSON

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies contents of statement of economic interest.
Removes requirement to file quarterly statements.
Modifies provisions regarding gifts.

A BILL FOR AN ACT

1
2 Relating to government ethics; amending ORS 171.745, 171.750, 244.020, 244.025, 244.040, 244.060,
3 244.070, 244.110, 244.209, 244.211, 244.213, 244.255, 244.290, 244.350, 293.708 and 441.540; and re-
4 pealing ORS 244.100, 244.105 and 244.217.

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

6 **SECTION 1.** ORS 244.020 is amended to read:

7 244.020. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

29 (d) For public officials required to file a statement of economic interest under ORS 244.050, any
30 business listed as a source of income as required under ORS 244.060 (3).

31 (4) "**Candidate**" has the meaning given that term in ORS 260.005.

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 [(4)] (5) “Development commission” means any entity [*which*] **that** has the authority to purchase,
 2 develop, improve or lease land or the authority to operate or direct the use of land. This authority
 3 must be more than ministerial.

4 [(5)(a)] (6)(a) “Gift” means something of economic value given to a public official, **a candidate**
 5 **for public office** or a [*relative or*] member of the household of the public official **or candidate**:

6 (A) Without valuable consideration of equivalent value, including the full or partial forgiveness
 7 of indebtedness, which is not extended to others who are not public officials **or candidates** or [*the*
 8 *relatives or*] members of the household of public officials **or candidates** on the same terms and
 9 conditions; or

10 (B) For valuable consideration less than that required from others who are not public officials
 11 **or candidates**.

12 (b) “Gift” does not mean:

13 (A) Contributions as defined in ORS 260.005.

14 (B) Gifts from relatives or members of the household of the public official **or candidate**.

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

17 (D) Informational material, publications or subscriptions related to the recipient’s performance
 18 of official duties.

19 (E) Admission provided to or the cost of food or beverage consumed by a public official **or**
 20 **candidate**, or a member of the household or staff of the public official **or candidate**, when accom-
 21 panying the public official **or candidate**, at a reception, meal or meeting held by an organization
 22 before whom the public official **or candidate** appears to speak or to answer questions as part of a
 23 scheduled program.

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

33 (G) Contributions made to a legal expense trust fund established under ORS 244.209 for the
 34 benefit of the public official.

35 (H) Reasonable food, travel or lodging expenses provided to a public official, [*a relative of the*
 36 *public official accompanying the public official,*] a member of the household of the public official ac-
 37 companying the public official or a staff member of the public official accompanying the public offi-
 38 cial, when the public official is representing state government as defined in ORS 174.111, a local
 39 government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

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

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

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

44 (i) In association with the review, approval, execution of documents or closing of a borrowing,
 45 investment or other financial transaction, including any business agreement between state govern-

1 ment as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special govern-
 2 ment body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

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

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

7 (J) Waiver or discount of registration expenses or materials provided to a public official **or**
 8 **candidate** at a continuing education event that the public official **or candidate** may attend to sat-
 9 isfy a professional licensing requirement.

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

13 (L) Food or beverage consumed by a public official **or candidate** at a reception where the food
 14 or beverage is provided as an incidental part of the reception and no cost is placed on the food or
 15 beverage.

16 (M) Entertainment provided to a public official **or candidate** or a [*relative or*] member of the
 17 household of the public official **or candidate** that is incidental to the main purpose of another event.

18 (N) Entertainment provided to a public official or a [*relative or*] member of the household of the
 19 public official where the public official is acting in an official capacity while representing state
 20 government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special
 21 government body as defined in ORS 174.117 for a ceremonial purpose.

22 [(6)] (7) "Honorarium" means a payment or something of economic value given to a public offi-
 23 cial in exchange for services upon which custom or propriety prevents the setting of a price. Ser-
 24 vices include, but are not limited to, speeches or other services rendered in connection with an
 25 event.

26 [(7)] (8) "Income" means income of any nature derived from any source, including, but not lim-
 27 ited to, any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital,
 28 forgiveness of indebtedness, or anything of economic value.

29 [(8)] (9) "Legislative or administrative interest" means an economic interest, distinct from that
 30 of the general public, in: [*one or more bills, resolutions, regulations, proposals or other matters sub-*
 31 *ject to the action or vote of a person acting in the capacity of a public official.*]

32 (a) **Any matter subject to the action or vote of the person acting in the person's capacity**
 33 **as a public official; or**

34 (b) **Any matter that would be subject to the action or vote of the candidate who, if**
 35 **elected, would act in the capacity of a public official.**

36 [(9)] (10) "Member of the household" means any person who [*resides with the public official*] **is**
 37 **domiciled with or has the same place of abode as the public official or candidate.**

38 [(10)] (11) "Planning commission" means a county planning commission created under ORS
 39 chapter 215 or a city planning commission created under ORS chapter 227.

40 [(11)] (12) "Potential conflict of interest" means any action or any decision or recommendation
 41 by a person acting in a capacity as a public official, the effect of which could be to the private
 42 pecuniary benefit or detriment of the person or the person's relative, or a business with which the
 43 person or the person's relative is associated, unless the pecuniary benefit or detriment arises out
 44 of the following:

45 (a) An interest or membership in a particular business, industry, occupation or other class re-

1 quired by law as a prerequisite to the holding by the person of the office or position.

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

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

8 [(12)] (13) “Public office” has the meaning given that term in ORS 260.005.

9 [(13)] (14)(a) “Public official” means any person who, when an alleged violation of this chapter
 10 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body
 11 as defined in ORS 174.109 as an elected official, appointed official, employee, agent or otherwise,
 12 irrespective of whether the person is compensated for the services.

13 **(b) “Public official” does not mean a person who serves on an advisory committee or body
 14 if the committee or body is advisory only and cannot bind the actions of a public body.**

15 [(14)] (15) “Relative” means:

16 (a) The spouse of the public official **or candidate**;

17 (b) The domestic partner of the public official **or candidate**;

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

19 **(d) Any children of the candidate or of the candidate’s spouse;**

20 [(d)] (e) Siblings, spouses of siblings or parents of the public official or of the public official’s
 21 spouse;

22 **(f) Siblings, spouses of siblings or parents of the candidate or of the candidate’s spouse;**

23 [(e)] (g) Any individual for whom the public official **or candidate** has a legal support obligation;
 24 [or]

25 [(f)] (h) Any individual for whom the public official provides [*benefits*] **payments or services**
 26 **provided under an annuity, pension or insurance policy** arising from the public official’s public
 27 employment; [*or from whom the public official receives benefits arising from that individual’s employ-*
 28 *ment.*] **or**

29 **(i) Any individual from whom the public official or candidate receives payments or ser-**
 30 **vices provided under an annuity, pension or insurance policy arising from that individual’s**
 31 **employment.**

32 [(15)] (16) “Statement of economic interest” means a statement as described by ORS 244.060[
 33 **or** 244.070 [*or 244.100*].

34 [(16)] (17) “Zoning commission” means an entity to which is delegated at least some of the dis-
 35 cretionary authority of a planning commission or governing body relating to zoning and land use
 36 matters.

37 **SECTION 2.** ORS 244.025 is amended to read:

38 244.025. (1) During a calendar year, a public official, a candidate for public office or a [*relative*
 39 *or*] member of the household of the public official or candidate may not solicit or receive, directly
 40 or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that
 41 could reasonably be known to have a legislative or administrative interest [*in any governmental*
 42 *agency in which the public official holds, or the candidate if elected would hold, any official position*
 43 *or over which the public official exercises, or the candidate if elected would exercise, any authority*].

44 (2) During a calendar year, a person who has a legislative or administrative interest [*in any*
 45 *governmental agency in which a public official holds any official position or over which the public of-*

1 *official exercises any authority*] may not offer to the public official or a [*relative or*] member of the
2 household of the public official any gift or gifts with an aggregate value in excess of \$50.

3 (3) During a calendar year, a person who has a legislative or administrative interest [*in any*
4 *governmental agency in which a candidate for public office if elected would hold any official position*
5 *or over which the candidate if elected would exercise any authority*] may not offer to the candidate
6 or a [*relative or*] member of the household of the candidate any gift or gifts with an aggregate value
7 in excess of \$50.

8 (4) Notwithstanding subsection (1) of this section:

9 (a) A public official, a candidate for public office or a [*relative or*] member of the household of
10 the public official or candidate may not solicit or receive, directly or indirectly, any gift of payment
11 of expenses for entertainment from any single source that could reasonably be known to have a
12 legislative or administrative interest [*in any governmental agency in which the public official holds,*
13 *or the candidate if elected would hold, any official position or over which the public official exercises,*
14 *or the candidate if elected would exercise, any authority*].

15 (b) A person who has a legislative or administrative interest [*in any governmental agency in*
16 *which a public official holds any official position or over which the public official exercises any au-*
17 *thority*] may not offer to the public official or a [*relative or*] member of the household of the public
18 official any gift of payment of expenses for entertainment.

19 (c) A person who has a legislative or administrative interest [*in any governmental agency in*
20 *which a candidate for public office if elected would hold any official position or over which the candi-*
21 *date if elected would exercise any authority*] may not offer to the candidate or a [*relative or*] member
22 of the household of the candidate any gift of payment of expenses for entertainment.

23 (5) This section does not apply to public officials subject to the Oregon Code of Judicial Con-
24 duct.

25 **SECTION 3.** ORS 244.040 is amended to read:

26 244.040. (1) Except as provided in subsection (2) of this section, a public official may not use or
27 attempt to use official position or office to obtain financial gain or avoidance of financial detriment
28 for the public official, a relative or member of the household of the public official, or any business
29 with which the public official or a relative or member of the household of the public official is as-
30 sociated, if the financial gain or avoidance of financial detriment would not otherwise be available
31 but for the public official's holding of the official position or office.

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

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

35 (b) The receipt by a public official or a relative or member of the household of the public official
36 of an honorarium or any other item allowed under ORS 244.042.

37 (c) Reimbursement of expenses.

38 (d) An unsolicited award for professional achievement.

39 (e) Gifts that do not exceed the limits specified in ORS 244.025 received by a public official or
40 a [*relative or*] member of the household of the public official from a source that could reasonably
41 be known to have a legislative or administrative interest [*in a governmental agency in which the of-*
42 *ficial holds any official position or over which the official exercises any authority*].

43 (f) Gifts received by a public official or a [*relative or*] member of the household of the public
44 official from a source that could not reasonably be known to have a legislative or administrative
45 interest [*in a governmental agency in which the official holds any official position or over which the*

1 *official exercises any authority].*

2 (g) The receipt by a public official or a [*relative or*] member of the household of the public offi-
 3 cial of any item, regardless of value, that is expressly excluded from the definition of “gift” in ORS
 4 244.020.

5 (h) Contributions made to a legal expense trust fund established under ORS 244.209 for the
 6 benefit of the public official.

7 (3) A public official may not solicit or receive, either directly or indirectly, and a person may
 8 not offer or give to any public official any pledge or promise of future employment, based on any
 9 understanding that the vote, official action or judgment of the public official would be influenced
 10 by the pledge or promise.

11 (4) A public official may not attempt to further or further the personal gain of the public official
 12 through the use of confidential information gained in the course of or by reason of holding position
 13 as a public official or activities of the public official.

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

17 (6) A person may not attempt to represent or represent a client for a fee before the governing
 18 body of a public body of which the person is a member. This subsection does not apply to the per-
 19 son’s employer, business partner or other associate.

20 (7) The provisions of this section apply regardless of whether actual conflicts of interest or po-
 21 tential conflicts of interest are announced or disclosed under ORS 244.120.

22 **SECTION 4.** ORS 244.060 is amended to read:

23 244.060. The statement of economic interest filed under ORS 244.050 shall be on a form pre-
 24 scribed by the Oregon Government Ethics Commission. The public official or candidate for public
 25 office filing the statement shall supply the information required by this section and ORS 244.090, as
 26 follows:

27 (1) The names of all positions as officer of a business and business directorships held by the
 28 person or a member of the household of the person during the preceding calendar year, and the
 29 principal address and a brief description of each business.

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

32 (3) The names, principal addresses and brief descriptions of the five most significant sources of
 33 income received at any time during the preceding calendar year by the person and by each member
 34 of the household of the person, a description of the type of income and the name of the person re-
 35 ceiving the income.

36 (4)(a) A list of all real property in which the public official or candidate for public office or a
 37 member of the household of the public official or candidate has or has had any personal, beneficial
 38 ownership interest during the preceding calendar year, any options to purchase or sell real property,
 39 including a land sales contract, and any other rights of any kind in real property located within the
 40 geographic boundaries of the governmental agency of which the public official holds, or the candi-
 41 date if elected would hold, any official position or over which the public official exercises, or the
 42 candidate if elected would exercise, any authority.

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

45 [*(5) The name of each member of the household of the person who is 18 years of age or older.*]

1 [(6) *The name of each relative of the person who is 18 years of age or older and not a member of*
 2 *the household of the person.*]

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

4 244.070. A public official or candidate for public office shall report the following additional
 5 economic interest for the preceding calendar year only if the source of that interest is derived from
 6 an individual or business **that has a legislative or administrative interest or** that has been doing
 7 business, does business or could reasonably be expected to do business with[, *or has legislative or*
 8 *administrative interest in,*] the governmental agency of which the public official holds, or the candi-
 9 date if elected would hold, [*any*] **an** official position or over which the public official exercises, or
 10 the candidate if elected would exercise, any authority:

11 (1) Each person to whom the public official or candidate for public office or a member of the
 12 household of the public official or candidate owes or has owed money in excess of \$1,000, the in-
 13 terest rate on money owed and the date of the loan, except for debts owed to any federal or state
 14 regulated financial institution or retail contracts.

15 (2) The name, principal address and brief description of the nature of each business in which the
 16 public official or candidate for public office or a member of the household of the public official or
 17 candidate has or has had a personal, beneficial interest or investment, including stocks or other
 18 securities, in excess of \$1,000, except for individual items involved in a mutual fund or a blind trust,
 19 or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender
 20 value of life insurance.

21 (3) Each person for whom the public official or candidate for public office has performed services
 22 for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by a profes-
 23 sional code of ethics.

24 **SECTION 6.** ORS 244.110 is amended to read:

25 244.110. (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060,
 26 244.070[,] **or** 244.090 [*or 244.100*], or by rule under ORS 244.290, and each trading statement required
 27 to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it
 28 and shall contain a written declaration that the statement is made under the penalties of false
 29 swearing.

30 (2) A person may not sign and certify a statement under subsection (1) of this section if the
 31 person knows that the statement contains information that is false.

32 (3) Violation of subsection (2) of this section is punishable as false swearing under ORS 162.075.

33 **SECTION 7.** ORS 244.209 is amended to read:

34 244.209. (1) A public official may apply to establish a legal expense trust fund by filing an ap-
 35 plication with the Oregon Government Ethics Commission. The application must contain:

- 36 (a) A copy of an executed trust agreement described in subsection (2) of this section;
- 37 (b) A sworn affidavit described in subsection (3) of this section signed by the public official; and
- 38 (c) A sworn affidavit described in subsection (4) of this section signed by the trustee.

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

- 40 (a) A provision incorporating by reference the provisions of ORS 244.205 to 244.221; and
- 41 (b) A designation of a trustee who meets the requirements of ORS 244.211.

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

- 43 (a) The nature of the legal proceeding that requires establishment of the trust fund;
- 44 (b) That the public official will comply with the provisions of ORS 244.205 to 244.221; and
- 45 (c) That the public official is responsible for the proper administration of the trust fund, even

1 though a trustee of the fund has been designated.

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

3 (a) Has read and understands ORS 244.205 to 244.221; and

4 (b) Consents to administer the trust fund in compliance with ORS 244.205 to 244.221.

5 (5) Upon receiving an application under this section, the commission shall review the trust
6 agreement, the affidavits and any supporting documents or instruments filed to determine whether
7 the application meets the requirements of ORS 244.205 to 244.221. If the commission determines that
8 the application meets the requirements of ORS 244.205 to 244.221, the commission shall grant writ-
9 ten authorization to the public official to establish the trust fund.

10 (6) The commission [*shall review the quarterly statements required under ORS 244.217 and*] shall
11 monitor the activities of each trust fund to ensure continued compliance with ORS 244.205 to
12 244.221.

13 (7) Unless subject to the attorney-client privilege, all documents required to be filed relating to
14 the creation and administration of a trust fund are public records subject to disclosure as provided
15 in ORS 192.410 to 192.505.

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

18 (9) A public official may file an amendment to a trust agreement approved as part of a trust fund
19 under this section. The commission shall approve the amendment if the commission determines the
20 amendment meets the requirements of ORS 244.205 to 244.221.

21 **SECTION 8.** ORS 244.211 is amended to read:

22 244.211. (1) The trustee of a legal expense trust fund is responsible for:

23 (a) The receipt and deposit of contributions to the trust fund;

24 (b) The authorization of expenditures and disbursements from the trust fund; **and**

25 [*(c) The filing of quarterly statements required under ORS 244.217; and*]

26 [*(d)*] (c) The performance of other tasks incident to the administration of the trust fund.

27 (2) The trustee may not:

28 (a) Be a public official who serves the same public body as the public official who establishes
29 the trust fund;

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

31 (c) Be an attorney for the public official in the legal proceeding for which the trust fund is es-
32 tablished, or a member, partner, associate or employee of the firm employing the attorney; or

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

35 **SECTION 9.** ORS 244.213 is amended to read:

36 244.213. (1) Except as provided in subsection (3) of this section, any person may contribute to
37 a legal expense trust fund established under ORS 244.205 to 244.221.

38 (2) A person may make contributions of moneys to a legal expense trust fund in unlimited
39 amounts. Pro bono legal assistance and other in-kind assistance may also be provided without limit
40 [*and is considered a contribution subject to the reporting requirements of ORS 244.217*].

41 (3) A political committee as defined in ORS 260.005 that is a principal campaign committee may
42 not contribute to a legal expense trust fund.

43 **SECTION 10.** ORS 244.255 is amended to read:

44 244.255. (1) The Oregon Government Ethics Commission shall estimate in advance the expenses
45 that it will incur during a biennium in carrying out the provisions of ORS 171.725 to 171.785 and

1 171.992 and this chapter. The commission shall also determine what percentage of the expenses
 2 should be borne by the following two groups of public bodies:

3 (a) Public bodies in state government; and

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

6 (2) The commission shall charge each public body for the public body's share of the expenses
 7 described in subsection (1) of this section for the biennium. The amount to be charged each public
 8 body shall be determined as follows:

9 (a) The commission shall determine the rate to be charged public bodies in state government.
 10 The same rate shall be applied to each public body described in this paragraph. To determine the
 11 amount of the charge for each public body, the commission shall multiply the rate determined under
 12 this paragraph by the number of public officials serving the public body.

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

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

22 (4) All moneys received by the commission under this section shall be credited to the Oregon
 23 Government Ethics Commission Account established under ORS 244.345.

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

26 (6) As used in this section:

27 (a) "Local government" and "local service district" have the meanings given those terms in ORS
 28 174.116.

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

30 (c) "Public official," notwithstanding ORS 244.020 [(13)] (14), means any person who, on the date
 31 the commission charges the public body under this section, is serving the public body as an officer
 32 or employee.

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

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

35 **SECTION 11.** ORS 244.290 is amended to read:

36 244.290. (1) The Oregon Government Ethics Commission shall:

37 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
 38 required to file the statements under this chapter or pursuant to a resolution adopted under ORS
 39 244.160.

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

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

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

45 (e) Accept and file any information voluntarily supplied that exceeds the requirements of this

1 chapter.

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

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

7 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
 8 171.785 and 171.992 and this chapter, including rules to:

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

11 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
 12 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
 13 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
 14 the public disclosure;

15 (c) Establish an administrative process whereby a person subpoenaed by the commission may
 16 obtain a protective order;

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

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

21 (f) Describe the application of provisions exempting items from the definition of “gift” in ORS
 22 244.020 [(5)(b)] and the application of the prohibition on entertainment contained in ORS 244.025;

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

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

26 (3) The commission may adopt rules that:

27 (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes
 28 that qualify under the class exception from the definition of “potential conflict of interest” under
 29 ORS 244.020;

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

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

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

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

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

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

45 (5) The commission shall adopt by rule an electronic filing system under which statements re-

1 quired to be filed under ORS 244.050[, 244.100 and 244.217] may be filed, without a fee, with the
 2 commission in an electronic format. The commission shall accept statements filed under ORS
 3 244.050[, 244.100 and 244.217] in a format that is not electronic.

4 (6) The commission shall make statements filed under ORS 244.050, [244.100 and 244.217,] in-
 5 cluding statements that are not filed in an electronic format, available in a searchable format for
 6 review by the public using the Internet.

7 **SECTION 12.** ORS 244.290, as amended by section 9d, chapter 877, Oregon Laws 2007, is
 8 amended to read:

9 244.290. (1) The Oregon Government Ethics Commission shall:

10 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
 11 required to file the statements under this chapter or pursuant to a resolution adopted under ORS
 12 244.160.

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

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

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

18 (e) Accept and file any information voluntarily supplied that exceeds the requirements of this
 19 chapter.

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

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

25 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
 26 171.785 and 171.992 and this chapter, including rules to:

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

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

33 (c) Establish an administrative process whereby a person subpoenaed by the commission may
 34 obtain a protective order;

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

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

39 (f) Describe the application of provisions exempting items from the definition of “gift” in ORS
 40 244.020 [(5)(b)] and the application of the prohibition on entertainment contained in ORS 244.025;

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

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

44 (3) The commission may adopt rules that:

45 (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes

1 that qualify under the class exception from the definition of “potential conflict of interest” under
 2 ORS 244.020;

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

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

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

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

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

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

18 (5) The commission shall adopt by rule an electronic filing system under which statements re-
 19 quired to be filed under ORS 244.050[, 244.100 and 244.217] must be filed, without a fee, with the
 20 commission in an electronic format.

21 (6) The commission shall make statements filed under ORS 244.050[, 244.100 and 244.217] avail-
 22 able in a searchable format for review by the public using the Internet.

23 **SECTION 13.** ORS 244.350 is amended to read:

24 244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-
 25 ceed:

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

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

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

31 (b) A civil penalty may not be imposed under this subsection if the violation occurred as a result
 32 of the governing body of the public body acting upon the advice of the public body’s counsel.

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

36 (4)(a) The commission may impose civil penalties on a person who fails to file the statement
 37 required under ORS 244.050[, 244.100 or 244.217]. In enforcing this subsection, the commission is not
 38 required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050[,
 39 244.100 or 244.217] has occurred.

40 (b) Failure to file the required statement in timely fashion is prima facie evidence of a violation
 41 of ORS 244.050[, 244.100 or 244.217].

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

45 (d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions

1 that may be imposed under ORS 244.380.

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

5 **SECTION 14.** ORS 171.745 is amended to read:

6 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
 7 to register with the commission shall, according to the schedule described in ORS 171.752, file with
 8 the commission a statement showing for the applicable reporting period:

9 (a) The total amount of all moneys expended for food, refreshments and entertainment by the
 10 lobbyist for the purpose of lobbying.

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

15 (2) Statements required by this section need not include amounts expended by the lobbyist for
 16 personal living and travel expenses and office overhead, including salaries and wages paid for staff
 17 and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to
 18 be included in a statement is not accurately known at the time the statement is required to be filed,
 19 an estimate of the expenditure shall be submitted in the statement and designated as an estimate.
 20 The exact amount expended for which a previous estimate was made shall be submitted in a subse-
 21 quent report when the information is available.

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

24 *[(4)]* (3) For each statement required by this section, an entity comprised of more than one
 25 lobbyist may file one statement that reports expenditures by the entity and not by individual
 26 lobbyists.

27 **SECTION 15.** ORS 171.750 is amended to read:

28 171.750. *[(1)]* Any person on whose behalf a lobbyist was registered, or was required to register,
 29 with the Oregon Government Ethics Commission at any time during the calendar year shall file with
 30 the commission, according to the schedule described in ORS 171.752, a statement showing for the
 31 applicable reporting period:

32 *[(a)]* (1) The total amount of all moneys expended for lobbying activities on the person's behalf,
 33 excluding living and travel expenses incurred for a lobbyist performing lobbying services.

34 *[(b)]* (2) The name of any legislative or executive official to whom or for whose benefit, on any
 35 one occasion, an expenditure is made for the purposes of lobbying by the person, and the date, name
 36 of payee, purpose and amount of that expenditure. This paragraph applies if the total amount ex-
 37 pended on the occasion by one or more persons exceeds \$50. This paragraph does not apply to in-
 38 formation reported in compliance with ORS 171.745.

39 *[(c)]* (3) The name of each registered lobbyist or entity comprised of more than one lobbyist to
 40 whom the person paid moneys for lobbying activities on the person's behalf, excluding living and
 41 travel expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys
 42 paid to that lobbyist or entity.

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

45 **SECTION 16.** ORS 293.708 is amended to read:

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

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

3 (b) "Business with which the person is associated" has the meaning given that term in ORS
4 244.020.

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

6 (2) When a person who is a member of the Oregon Investment Council becomes aware that
7 action on a matter pending before the council might lead to private pecuniary benefit or detriment
8 to the person, to a relative of the person or to a business with which the person or a relative of the
9 person is associated, the member shall notify in writing the State Treasurer or the Chief Deputy
10 State Treasurer that any action, decision or recommendation by the member might constitute an
11 actual or potential conflict of interest. The member shall provide the notice not later than three
12 business days after the member becomes aware of the possibility of an actual or potential conflict.

13 (3) Subsection (2) of this section does not apply if the pecuniary benefit or detriment arises out
14 of circumstances described in ORS 244.020 [(11)(a) to (c)] (12).

15 (4) Complaints of violations of this section may be made to the Oregon Government Ethics
16 Commission for review and investigation as provided by ORS 244.260 and for possible imposition of
17 civil penalties as provided by ORS 244.350 or 244.360.

18 (5) Nothing in this section excuses a member of the council from compliance with ORS 244.120.

19 **SECTION 17.** ORS 441.540 is amended to read:

20 441.540. (1) An authority shall be managed and controlled by a board of directors, who shall be
21 appointed by the governing body. The directors may be removed for cause or at the will of the
22 governing body. The directors shall serve without compensation. However, the authority may re-
23 imburse the directors for their expenses incurred in the performance of their duties.

24 (2) The board of directors shall adopt and may amend rules for calling and conducting its
25 meetings and carrying out its business and may adopt an official seal. All decisions of the board
26 shall be by motion or resolution and shall be recorded in the board's minute book which shall be a
27 public record. A majority of the board shall constitute a quorum for the transaction of business and
28 a majority thereof shall be sufficient for the passage of any such motion or resolution.

29 (3) The board may employ such employees and agents as it deems appropriate and provide for
30 their compensation.

31 (4) Notwithstanding the exception for pecuniary benefit or detriment described in ORS 244.020
32 [(11)(c)] (12)(c), a director is a public official subject to the requirements of ORS chapter 244 based
33 on an actual conflict of interest or a potential conflict of interest arising out of the director's re-
34 lationship with a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Re-
35 venue Code, including employment with the nonprofit corporation or a relationship with a
36 foundation that provides assistance to the nonprofit corporation.

37 **SECTION 18.** ORS 244.100, 244.105 and 244.217 are repealed.