

A-Engrossed
Senate Bill 30

Ordered by the Senate March 30
Including Senate Amendments dated March 30

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Rules and Executive Appointments)

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.

[Removes requirement to list names of relatives and members of household on statement of economic interest.]

Defines "candidate" for purposes relating to government ethics.

Modifies provisions relating to gifts for public officials, candidates and relatives of public officials and candidates.

Modifies provisions relating to reporting requirements for public officials and candidates.

Prohibits Oregon Government Ethics Commission from penalizing person who acts in good faith reliance on staff advisory opinion or government ethics manual published by commission.

Delays requirement that commission develop electronic filing system until January 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to government ethics; creating new provisions; amending ORS 171.745, 171.750, 244.010,
3 244.020, 244.025, 244.040, 244.042, 244.050, 244.060, 244.070, 244.100, 244.105, 244.110, 244.255,
4 244.282, 244.290, 244.320, 244.350, 244.380, 244.390, 293.708 and 441.540 and sections 8b and 9e,
5 chapter 877, Oregon Laws 2007; and declaring an emergency.

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

7 **SECTION 1.** ORS 244.010 is amended to read:

8 244.010. (1) The Legislative Assembly declares that service as a public official is a public trust
9 and that, as one safeguard for that trust, the people require all public officials to comply with the
10 applicable provisions of this chapter.

11 **(2) The Legislative Assembly recognizes and values the work of all public officials,**
12 **whether elected or appointed.**

13 **(3) The Legislative Assembly recognizes that many public officials are volunteers and**
14 **serve without compensation.**

15 [(2)] (4) The Legislative Assembly recognizes that it is the policy of the state to have serving
16 on many state and local boards and commissions state and local officials who may have potentially
17 conflicting public responsibilities by virtue of their positions as public officials and also as members
18 of the boards and commissions, and declares it to be the policy of the state that the holding of such
19 offices does not constitute the holding of incompatible offices unless expressly stated in the enabling
20 legislation.

21 **(5) The Legislative Assembly recognizes that public officials should put loyalty to the**

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 **highest ethical standards above loyalty to government, persons, political party or private**
2 **enterprise.**

3 **(6) The Legislative Assembly recognizes that public officials should not make private**
4 **promises that are binding upon the duties of a public official, because a public official has**
5 **no private word that can be binding on public duty.**

6 **(7) The Legislative Assembly recognizes that public officials should expose corruption**
7 **wherever discovered.**

8 **(8) The Legislative Assembly recognizes that public officials should uphold the principles**
9 **described in this section, ever conscious of the public's trust.**

10 **SECTION 2.** ORS 244.020 is amended to read:

11 244.020. As used in this chapter, unless the context requires otherwise:

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

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

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

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

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

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

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

35 **(4) "Candidate" means an individual for whom a declaration of candidacy, nominating**
36 **petition or certificate of nomination to public office has been filed or whose name is printed**
37 **on a ballot or is expected to be or has been presented, with the individual's consent, for**
38 **nomination or election to public office.**

39 [(4)] (5) "Development commission" means any entity [which] **that** has the authority to purchase,
40 develop, improve or lease land or the authority to operate or direct the use of land. This authority
41 must be more than ministerial.

42 [(5)(a)] (6)(a) "Gift" means something of economic value given to a public official, **a candidate**
43 **or a relative or member of the household of the public official or candidate:**

44 (A) Without valuable consideration of equivalent value, including the full or partial forgiveness
45 of indebtedness, which is not extended to others who are not public officials **or candidates** or the

1 relatives or members of the household of public officials **or candidates** on the same terms and
2 conditions; or

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

5 (b) "Gift" does not mean:

6 (A) Contributions as defined in ORS 260.005.

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

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

10 (D) Informational material, publications or subscriptions related to the recipient's performance
11 of official duties.

12 (E) Admission provided to or the cost of food or beverage consumed by a public official, or a
13 member of the household or staff of the public official when accompanying the public official, at a
14 reception, meal or meeting held by an organization [*before whom the public official appears to speak*
15 *or to answer questions as part of a scheduled program*] **when the public official represents state**
16 **government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a**
17 **special government body as defined in ORS 174.117.**

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

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

29 (H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the
30 public official accompanying the public official, a member of the household of the public official ac-
31 companying the public official or a staff member of the public official accompanying the public offi-
32 cial, when the public official is representing state government as defined in ORS 174.111, a local
33 government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

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

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

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

38 (i) In association with the review, approval, execution of documents or closing of a borrowing,
39 investment or other financial transaction, including any business agreement between state govern-
40 ment as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special govern-
41 ment body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

42 (ii) While engaged in due diligence research or presentations by the office of the State Treasurer
43 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 moneys.

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

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

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

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

12 (N) Entertainment provided to a public official or a relative or member of the household of the
13 public official where the public official is acting in an official capacity while representing state
14 government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special
15 government body as defined in ORS 174.117 for a ceremonial purpose.

16 **(O) Anything of economic value offered to or solicited or received by a public official or**
17 **candidate, or a relative or member of the household of the public official or candidate:**

18 **(i) As part of the usual and customary practice of the person's private business, or the**
19 **person's employment or position as a volunteer with a private business, corporation, part-**
20 **nership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit**
21 **corporation or other legal entity operated for economic value; and**

22 **(ii) That bears no relationship to the public official's or candidate's holding of, or candi-**
23 **dacy for, the official position or public office.**

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

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

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

34 **(a) Any matter subject to the decision or vote of the public official acting in the public**
35 **official's capacity as a public official; or**

36 **(b) Any matter that would be subject to the decision or vote of the candidate who, if**
37 **elected, would be acting in the capacity of a public official.**

38 [(9)] (10) "Member of the household" means any person who resides with the public official **or**
39 **candidate.**

40 [(10)] (11) "Planning commission" means a county planning commission created under ORS
41 chapter 215 or a city planning commission created under ORS chapter 227.

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

1 of the following:

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

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

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

10 [(12)] (13) "Public office" has the meaning given that term in ORS 260.005.

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

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 **or domestic partner**;

19 **(d) Any children of the candidate or of the candidate's spouse or domestic partner**;

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

22 **(f) Siblings, spouses of siblings or parents of the candidate or of the candidate's spouse**
23 **or domestic partner**;

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

26 [(f)] (h) Any individual for whom the public official provides benefits arising from the public
27 official's public employment or from whom the public official receives benefits arising from that in-
28 dividual's employment[.]; **or**

29 **(i) Any individual from whom the candidate receives benefits arising from that individ-**
30 **ual's employment.**

31 [(15)] (16) "Statement of economic interest" means a statement as described by ORS 244.060[,]
32 **or 244.070 [or 244.100].**

33 [(16)] (17) "Zoning commission" means an entity to which is delegated at least some of the dis-
34 cretionary authority of a planning commission or governing body relating to zoning and land use
35 matters.

36 **SECTION 3.** ORS 244.025 is amended to read:

37 244.025. (1) During a calendar year, a public official, a candidate [*for public office*] or a relative
38 or member of the household of the public official or candidate may not solicit or receive, directly
39 or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that
40 could reasonably be known to have a legislative or administrative interest [*in any governmental*
41 *agency in which the public official holds, or the candidate if elected would hold, any official position*
42 *or over which the public official exercises, or the candidate if elected would exercise, any authority*].

43 (2) During a calendar year, a person who has a legislative or administrative interest [*in any*
44 *governmental agency in which a public official holds any official position or over which the public of-*
45 *ficial exercises any authority*] may not offer to the public official or a relative or member of the

1 household of the public official any gift or gifts with an aggregate value in excess of \$50.

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

7 [(4) *Notwithstanding subsection (1) of this section:*]

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

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

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

22 [(5)] (4) This section does not apply to public officials subject to the Oregon Code of Judicial
23 Conduct.

24 **SECTION 4.** ORS 244.040 is amended to read:

25 244.040. (1) Except as provided in subsection (2) of this section, a public official may not use or
26 attempt to use official position or office to obtain financial gain or avoidance of financial detriment
27 for the public official, a relative or member of the household of the public official, or any business
28 with which the public official or a relative or member of the household of the public official is as-
29 sociated, if the financial gain or avoidance of financial detriment would not otherwise be available
30 but for the public official's holding of the official position or office.

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

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

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

36 (c) Reimbursement of expenses.

37 (d) An unsolicited award for professional achievement.

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

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

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

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

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

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

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

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

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

21 **SECTION 5.** ORS 244.050 is amended to read:

22 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
23 Government Ethics Commission a verified statement of economic interest as required under this
24 chapter:

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

28 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
29 judicial officer who does not otherwise serve as a judicial officer.

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

31 (d) The Deputy Attorney General.

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

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

37 (g) The following state officers:

38 (A) Adjutant General.

39 (B) Director of Agriculture.

40 (C) Manager of State Accident Insurance Fund Corporation.

41 (D) Water Resources Director.

42 (E) Director of Department of Environmental Quality.

43 (F) Director of Oregon Department of Administrative Services.

44 (G) State Fish and Wildlife Director.

45 (H) State Forester.

- 1 (I) State Geologist.
- 2 (J) Director of Human Services.
- 3 (K) Director of the Department of Consumer and Business Services.
- 4 (L) Director of the Department of State Lands.
- 5 (M) State Librarian.
- 6 (N) Administrator of Oregon Liquor Control Commission.
- 7 (O) Superintendent of State Police.
- 8 (P) Director of the Public Employees Retirement System.
- 9 (Q) Director of Department of Revenue.
- 10 (R) Director of Transportation.
- 11 (S) Public Utility Commissioner.
- 12 (T) Director of Veterans' Affairs.
- 13 (U) Executive Director of Oregon Government Ethics Commission.
- 14 (V) Director of the State Department of Energy.
- 15 (W) Director and each assistant director of the Oregon State Lottery.
- 16 **(X) Director of the Department of Corrections.**
- 17 **(Y) Director of the Oregon Department of Aviation.**
- 18 **(Z) Executive director of the Oregon Criminal Justice Commission.**
- 19 **(AA) Director of the Economic and Community Development Department.**
- 20 **(BB) Director of the Office of Emergency Management.**
- 21 **(CC) Director of the Employment Department.**
- 22 **(DD) Chief of staff for the Governor.**
- 23 **(EE) Administrator of the Office for Oregon Health Policy and Research.**
- 24 **(FF) Director of the Housing and Community Services Department.**
- 25 **(GG) State Court Administrator.**
- 26 **(HH) Director of the Department of Land Conservation and Development.**
- 27 **(II) Board chairperson of the Land Use Board of Appeals.**
- 28 **(JJ) State Marine Director.**
- 29 **(KK) Executive director of the Oregon Racing Commission.**
- 30 **(LL) State Parks and Recreation Director.**
- 31 **(MM) Public defense services executive director.**
- 32 **(NN) Chairperson of the Public Employees' Benefit Board.**
- 33 **(OO) Director of the Department of Public Safety Standards and Training.**
- 34 **(PP) Chairperson of the Oregon Student Assistance Commission.**
- 35 **(QQ) Executive director of the Oregon Watershed Enhancement Board.**
- 36 **(RR) Director of the Oregon Youth Authority.**
- 37 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.
- 38 (i) Every elected city or county official.
- 39 (j) Every member of a city or county planning, zoning or development commission.
- 40 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
41 cipal administrator of the city or county.
- 42 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 43 (m) Every member of a governing body of a metropolitan service district and the executive of-
44 ficer thereof.
- 45 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

1 (o) The chief administrative officer and the financial officer of each common and union high
2 school district, education service district and community college district.

3 (p) Every member of the following state boards and commissions:

4 (A) Board of Geologic and Mineral Industries.

5 (B) Oregon Economic and Community Development Commission.

6 (C) State Board of Education.

7 (D) Environmental Quality Commission.

8 (E) Fish and Wildlife Commission of the State of Oregon.

9 (F) State Board of Forestry.

10 (G) Oregon Government Ethics Commission.

11 (H) Oregon Health Policy Commission.

12 (I) State Board of Higher Education.

13 (J) Oregon Investment Council.

14 (K) Land Conservation and Development Commission.

15 (L) Oregon Liquor Control Commission.

16 (M) Oregon Short Term Fund Board.

17 (N) State Marine Board.

18 (O) Mass transit district boards.

19 (P) Energy Facility Siting Council.

20 (Q) Board of Commissioners of the Port of Portland.

21 (R) Employment Relations Board.

22 (S) Public Employees Retirement Board.

23 (T) Oregon Racing Commission.

24 (U) Oregon Transportation Commission.

25 (V) Wage and Hour Commission.

26 (W) Water Resources Commission.

27 (X) Workers' Compensation Board.

28 (Y) Oregon Facilities Authority.

29 (Z) Oregon State Lottery Commission.

30 (AA) Pacific Northwest Electric Power and Conservation Planning Council.

31 (BB) Columbia River Gorge Commission.

32 (CC) Oregon Health and Science University Board of Directors.

33 (q) The following officers of the State Treasurer:

34 (A) Chief Deputy State Treasurer.

35 (B) Chief of staff for the office of the State Treasurer.

36 (C) Director of the Investment Division.

37 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
38 or 777.915 to 777.953.

39 (s) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.

40 (2) By April 15 next after the date an appointment takes effect, every appointed public official
41 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
42 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
43 and 244.090.

44 (3) By April 15 next after the filing deadline for the primary election, each candidate [*for public*
45 *office*] described in subsection (1) of this section shall file with the commission a statement of eco-

1 nomic interest as required under ORS 244.060, 244.070 and 244.090.

2 (4) Within 30 days after the filing deadline for the general election, each candidate [*for public*
3 *office*] described in subsection (1) of this section who was not a candidate in the preceding primary
4 election, or who was nominated for public office described in subsection (1) of this section at the
5 preceding primary election by write-in votes, shall file with the commission a statement of economic
6 interest as required under ORS 244.060, 244.070 and 244.090.

7 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or
8 appointed public officials as of April 15 and to persons who are candidates [*for public office*] on April
9 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until
10 30 days after the filing deadline for the statewide general election.

11 (6) If a statement required to be filed under this section has not been received by the commis-
12 sion within five days after the date the statement is due, the commission shall notify the public of-
13 ficial or candidate and give the public official or candidate not less than 15 days to comply with the
14 requirements of this section. If the public official or candidate fails to comply by the date set by the
15 commission, the commission may impose a civil penalty as provided in ORS 244.350.

16 **SECTION 6.** ORS 244.060 is amended to read:

17 244.060. The statement of economic interest filed under ORS 244.050 shall be on a form pre-
18 scribed by the Oregon Government Ethics Commission. The public official or candidate [*for public*
19 *office*] filing the statement shall supply the information required by this section and ORS 244.090,
20 as follows:

21 (1) The names of all positions as officer of a business and business directorships held by the
22 [*person*] **public official or candidate** or a member of the household of the [*person*] **public official**
23 **or candidate** during the preceding calendar year, and the principal address and a brief description
24 of each business.

25 (2) All names under which the [*person*] **public official or candidate** and members of the house-
26 hold of the [*person*] **public official or candidate** do business and the principal address and a brief
27 description of each business.

28 (3) The names, principal addresses and brief descriptions of the [*five most significant*] sources
29 of income received [*at any time*] during the preceding calendar year by the [*person and by each*]
30 **public official or candidate or a member of the household of the [*person, a description of the type***
31 ***of income and the name of the person receiving the income*] public official or candidate that produce**
32 **10 percent or more of the total annual household income.**

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

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

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

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

45 (5) **All expenses with an aggregate value exceeding \$50 received by the public official**

1 during the preceding calendar year when participating in a convention, mission, trip or other
 2 meeting described in ORS 244.020 (6)(b)(F), including the name and address of the organiza-
 3 tion, unit of government, tribe or corporation paying the expenses, the nature of the event
 4 and the date and amount of the expense.

5 (6) All expenses with an aggregate value exceeding \$50 received by the public official
 6 during the preceding calendar year when participating in a mission, negotiations or economic
 7 development activities described in ORS 244.020 (6)(b)(H), including the name and address of
 8 the person paying the expenses, the nature of the event and the date and amount of the ex-
 9 penditure.

10 (7) All honoraria and other items allowed under ORS 244.042 with a value exceeding \$15
 11 that are received by the public official, candidate or member of the household of the public
 12 official or candidate during the preceding calendar year, the provider of each honorarium or
 13 item and the date and time of the event for which the honorarium or item was received.

14 (8) The name, principal address and brief description of each source of income exceeding
 15 an aggregate amount of \$1,000, whether or not taxable, received by the public official or
 16 candidate, or a member of the household of the public official or candidate, during the pre-
 17 ceding calendar year, if the source of that income is derived from an individual or business
 18 that has a legislative or administrative interest or that has been doing business, does busi-
 19 ness or could reasonably be expected to do business with the governmental agency of which
 20 the public official holds, or the candidate if elected would hold, an official position or over
 21 which the public official exercises, or the candidate if elected would exercise, any authority.

22 **SECTION 7.** ORS 244.070 is amended to read:

23 244.070. A public official or candidate [*for public office*] shall report the following additional
 24 economic interest for the preceding calendar year only if the source of that interest is derived from
 25 an individual or business **that has a legislative or administrative interest or** that has been doing
 26 business, does business or could reasonably be expected to do business with[, *or has legislative or*
 27 *administrative interest in,*] the governmental agency of which the public official holds, or the candi-
 28 date if elected would hold, [*any*] **an** official position or over which the public official exercises, or
 29 the candidate if elected would exercise, any authority:

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

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

40 (3) Each person for whom the public official or candidate [*for public office*] has performed ser-
 41 vices for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by a
 42 professional code of ethics.

43 **SECTION 8.** ORS 244.100 is amended to read:

44 244.100. [(1) A public official or candidate for public office who is required to file a statement of
 45 economic interest under ORS 244.050 shall file with the Oregon Government Ethics Commission, ac-

1 cording to the schedule set forth in ORS 244.105, a statement showing for the applicable reporting pe-
2 riod:]

3 [(a) Any expenses with an aggregate value exceeding \$50 received by the public official when par-
4 ticipating in a convention, mission, trip or other meeting described in ORS 244.020 (5)(b)(F). The
5 statement shall include the name and address of the organization or unit of government paying the
6 expenses, the nature of the event and the date and amount of the expenditure.]

7 [(b) Any expenses with an aggregate value exceeding \$50 received by the public official when par-
8 ticipating in a mission or negotiations or economic development activities described in ORS 244.020
9 (5)(b)(H). The statement shall include the name and address of the person paying the expenses, the
10 nature of the event and the date and amount of the expenditure.]

11 [(c) All honoraria allowed under ORS 244.042 exceeding \$15 received by the public official, can-
12 didate or member of the household of the official or candidate, the payer of each honorarium and the
13 date and time of the event for which the honorarium was received.]

14 [(d) Each source of income exceeding an aggregate amount of \$1,000, whether or not taxable, re-
15 ceived by the public official or candidate for public office, or a member of the household of the public
16 official or candidate, if the source of that income is derived from an individual or business that has
17 been doing business, does business or could reasonably be expected to do business with, or has legis-
18 lative or administrative interest in, the governmental agency of which the public official holds, or the
19 candidate if elected would hold, any official position or over which the public official exercises, or the
20 candidate if elected would exercise, any authority.]

21 [(2) In addition to statements required under subsection (1) of this section:]

22 [(a)] (1) Any organization, [or] unit of government, **tribe or corporation** that provides a public
23 official with expenses with an aggregate value exceeding \$50 for an event described in ORS 244.020
24 [(5)(b)(F)] (6)(b)(F) shall notify the public official in writing of the amount of the expense. The or-
25 ganization, [or] unit, **tribe or corporation** shall provide the notice to the public official within 10
26 days [from] **after** the date the expenses are incurred.

27 [(b)] (2) Any person that provides a public official **or candidate**, or a member of the household
28 of [a] **the public official or candidate**, with an honorarium or other item allowed under ORS 244.042
29 with a value exceeding \$15 shall notify the public official **or candidate** in writing of the value of
30 the honorarium or other item. The person shall provide the notice to the public official **or candidate**
31 within 10 days after the date of the event for which the honorarium or other item was received.

32 **SECTION 9.** ORS 244.105 is amended to read:

33 244.105. Statements required to be filed with the Oregon Government Ethics Commission under
34 ORS [244.100 and] 244.217 shall be filed in each calendar year:

35 (1) Not later than April 15, for the accounting period beginning January 1 and ending March
36 31;

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

38 (3) Not later than October 15, for the accounting period beginning July 1 and ending September
39 30; and

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

42 **SECTION 10.** ORS 244.110 is amended to read:

43 244.110. (1) Each statement of economic interest required to be filed under ORS 244.050, 244.060,
44 244.070[, or 244.090 [or 244.100], or by rule under ORS 244.290, and each trading statement required
45 to be filed under ORS 244.055 shall be signed and certified as true by the person required to file it

1 and shall contain a written declaration that the statement is made under the penalties of false
2 swearing.

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

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

6 **SECTION 11.** ORS 244.255 is amended to read:

7 244.255. (1) The Oregon Government Ethics Commission shall estimate in advance the expenses
8 that it will incur during a biennium in carrying out the provisions of ORS 171.725 to 171.785 and
9 171.992 and this chapter. The commission shall also determine what percentage of the expenses
10 should be borne by the following two groups of public bodies:

11 (a) Public bodies in state government; and

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

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

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

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

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

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

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

34 (6) As used in this section:

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

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

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

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

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

43 **SECTION 12.** ORS 244.282 is amended to read:

44 244.282. (1) Upon the written request of any person, the executive director of the Oregon Gov-
45 ernment Ethics Commission may issue and publish written staff advisory opinions on the application

1 of any provision of this chapter to any proposed transaction or action or any actual or hypothetical
2 circumstance.

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

10 (3)(a) Except as provided in [*this subsection*] **paragraph (b) of this subsection**, unless the staff
11 advisory opinion is revised or revoked, [*before imposing any penalty under ORS 244.350 or 244.360,*
12 *the commission shall consider whether the action that may be subject to penalty was taken*] **the com-**
13 **mission may only issue a written letter of reprimand, explanation or education for any good**
14 **faith action a person takes** in reliance on a staff advisory opinion issued under this section.

15 (b) [*If a penalty may be imposed*] **The commission may impose, for an action that is subject**
16 **to a penalty and that is taken in reliance on a staff advisory opinion issued under this sec-**
17 **tion, a penalty under ORS 244.350 or 244.360** on the person who requested the opinion[, *the com-*
18 *mission is not required to consider reliance on the opinion*] if the commission determines that the
19 person omitted or misstated material facts in making the request.

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

24 **SECTION 13.** ORS 244.290 is amended to read:

25 244.290. (1) The Oregon Government Ethics Commission shall:

26 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
27 required to file the statements under this chapter or pursuant to a resolution adopted under ORS
28 244.160.

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

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

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

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

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

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

41 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
42 171.785 and 171.992 and this chapter, including rules to:

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

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

1 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
2 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
3 the public disclosure;

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

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

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

10 (f) Describe the application of provisions exempting items from the definition of "gift" in ORS
11 244.020 [(5)(b) and the application of the prohibition on entertainment contained in ORS 244.025];

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

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

15 (3) The commission may adopt rules that:

16 (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes
17 that qualify under the class exception from the definition of "potential conflict of interest" under
18 ORS 244.020;

19 (b) Require the disclosure and reporting of gifts or other compensation made to or received by
20 a public official or candidate [*for public office*];

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

23 (d) Allow the commission to accept the filing of a statement containing less than all of the in-
24 formation required under ORS 244.060 and 244.070 if the public official or candidate [*for public*
25 *office*] certifies on the statement that the information contained on the statement previously filed is
26 unchanged or certifies only as to any changed material.

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

28 (a) Consider adoption of rules the commission deems necessary to implement or interpret pro-
29 visions of this chapter relating to issues the commission determines are of general interest to public
30 officials or candidates [*for public office*] or that are addressed by the commission or by commission
31 staff on a recurring basis; and

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

34 (5) The commission shall adopt by rule an electronic filing system under which statements re-
35 quired to be filed under ORS 244.050[, 244.100] and 244.217 may be filed, without a fee, with the
36 commission in an electronic format. The commission shall accept statements filed under ORS
37 244.050[, 244.100] and 244.217 in a format that is not electronic.

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

41 **SECTION 14.** ORS 244.290, as amended by section 9d, chapter 877, Oregon Laws 2007, is
42 amended to read:

43 244.290. (1) The Oregon Government Ethics Commission shall:

44 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
45 required to file the statements under this chapter or pursuant to a resolution adopted under ORS

1 244.160.

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

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

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

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

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

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

14 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
15 171.785 and 171.992 and this chapter, including rules to:

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

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

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

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

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

28 (f) Describe the application of provisions exempting items from the definition of "gift" in ORS
29 244.020 [(5)(b) and the application of the prohibition on entertainment contained in ORS 244.025];

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

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

33 (3) The commission may adopt rules that:

34 (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes
35 that qualify under the class exception from the definition of "potential conflict of interest" under
36 ORS 244.020;

37 (b) Require the disclosure and reporting of gifts or other compensation made to or received by
38 a public official or candidate [*for public office*];

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

41 (d) Allow the commission to accept the filing of a statement containing less than all of the in-
42 formation required under ORS 244.060 and 244.070 if the public official or candidate [*for public*
43 *office*] certifies on the statement that the information contained on the statement previously filed is
44 unchanged or certifies only as to any changed material.

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

1 (a) Consider adoption of rules the commission deems necessary to implement or interpret pro-
2 visions of this chapter relating to issues the commission determines are of general interest to public
3 officials or candidates [*for public office*] or that are addressed by the commission or by commission
4 staff on a recurring basis; and

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

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

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

12 **SECTION 15.** ORS 244.320 is amended to read:

13 244.320. (1) The Oregon Government Ethics Commission shall prepare and publish a manual on
14 government ethics that explains in terms understandable to legislative and public officials and the
15 public the requirements of this chapter and the commission's interpretation of those requirements
16 whether stated by rule or in an opinion. The manual shall set forth recommended uniform reporting
17 methods for use by persons filing statements under this chapter. **The manual, and any updates to
18 the manual made under subsection (3) of this section, must be approved by a vote of a ma-
19 jority of the members of the commission.**

20 (2) In preparing the manual, the commission shall consider the format of the manual prepared
21 by the Attorney General to guide public officials and the public in the requirements of ORS chapter
22 192.

23 (3) The commission shall update the manual as often as the commission believes necessary but
24 no less frequently than once every four years.

25 (4) The commission shall make copies of the manual available in an electronic format on the
26 Internet.

27 **(5) The commission may not impose a penalty under ORS 244.350 or 244.360 on a public
28 official or candidate for any good faith action the public official or candidate takes in reliance
29 on the manual, or any update to the manual, approved by the commission under this section.**

30 **SECTION 16.** ORS 244.350 is amended to read:

31 244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-
32 ceed:

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

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

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

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

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

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

1 244.100] or 244.217 has occurred.

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

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

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

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

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

13 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
14 to register with the commission shall, according to the schedule described in ORS 171.752, file with
15 the commission a statement showing for the applicable reporting period:

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

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

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

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

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

33 **SECTION 18.** ORS 171.750 is amended to read:

34 171.750. (1) Any person on whose behalf a lobbyist was registered, or was required to register,
35 with the Oregon Government Ethics Commission at any time during the calendar year shall file with
36 the commission, according to the schedule described in ORS 171.752, a statement showing for the
37 applicable reporting period:

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

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

45 (c) The name of each registered lobbyist or entity comprised of more than one lobbyist to whom

1 the person paid moneys for lobbying activities on the person’s behalf, excluding living and travel
2 expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys paid
3 to that lobbyist or entity.

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

6 **SECTION 19.** ORS 293.708 is amended to read:

7 293.708. (1) As used in this section:

8 (a) “Business” has the meaning given that term in ORS 244.020.

9 (b) “Business with which the person is associated” has the meaning given that term in ORS
10 244.020.

11 (c) “Relative” has the meaning given that term in ORS 244.020.

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

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

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

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

25 **SECTION 20.** ORS 441.540 is amended to read:

26 441.540. (1) An authority shall be managed and controlled by a board of directors, who shall be
27 appointed by the governing body. The directors may be removed for cause or at the will of the
28 governing body. The directors shall serve without compensation. However, the authority may re-
29 imburse the directors for their expenses incurred in the performance of their duties.

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

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

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

43 **SECTION 21.** ORS 244.042 is amended to read:

44 244.042. (1) Except as provided in subsection (3) of this section, a public official may not solicit
45 or receive, whether directly or indirectly, honoraria for the public official or any member of the

1 household of the public official if the honoraria are solicited or received in connection with the of-
2 ficial duties of the public official.

3 (2) Except as provided in subsection (3) of this section, a candidate [*for public office*] may not
4 solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the
5 household of the candidate if the honoraria are solicited or received in connection with the official
6 duties of the public office for which the person is a candidate.

7 (3) This section does not prohibit:

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

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

12 **SECTION 22.** ORS 244.380 is amended to read:

13 244.380. (1) If the Oregon Government Ethics Commission has imposed a civil penalty under ORS
14 244.350 on a public official or candidate for failing to file a statement of economic interest required
15 under this chapter or a resolution adopted under ORS 244.160 and the public official or candidate
16 continues to refuse to file the statement, the following apply:

17 (a) The commission shall notify the Oregon Department of Administrative Services or the local
18 public body, as defined in ORS 174.109, that the public official serves of the failure to file a state-
19 ment of economic interest. Except for judges, during the period beginning on the date the depart-
20 ment or public body receives notice from the commission and ending on the date the public official
21 files the statement of economic interest, the department or public body may not pay compensation
22 to the public official and the public official may not begin or continue to exercise the official duty
23 of the public official. In the case of a public official who does not receive compensation, the public
24 official may not begin or continue to exercise the official duty of the public official until the public
25 official files the statement of economic interest.

26 (b) In the case of a candidate [*for public office*], the commission shall notify the appropriate chief
27 elections officer of the candidate's failure to file the statement required by this chapter. The chief
28 elections officer shall:

29 (A) If the notice is received on or before the 61st day before the date of the election, cause the
30 name of the candidate to be removed from the ballot on which the name of the candidate would
31 otherwise appear; or

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

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

36 (3) As used in this section, "chief elections officer" has the meaning given that term in ORS
37 254.005.

38 **SECTION 23.** ORS 244.390 is amended to read:

39 244.390. (1) A penalty or sanction imposed by the Oregon Government Ethics Commission under
40 this chapter is in addition to and not in lieu of any other penalty or sanction that may be imposed
41 according to law.

42 (2) Before making a finding that there is cause to undertake an investigation under ORS 244.260
43 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission shall consider the
44 public interest and any other penalty or sanction that has been or may be imposed on the public
45 official as a result of the same conduct that is the subject of action by the commission under ORS

1 244.260.

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

3 (a) Any statute requiring disclosure of economic interest by any public official or candidate [*for*
4 *public office*].

5 (b) Any statute prohibiting or authorizing specific conduct on the part of any public official or
6 candidate [*for public office*].

7 **SECTION 24.** Section 8b, chapter 877, Oregon Laws 2007, is amended to read:

8 **Sec. 8b.** The amendments to ORS 171.772 by section 8a, **chapter 877, Oregon Laws 2007**, [*of*
9 *this 2007 Act*] become operative January 1, [2010] **2013**.

10 **SECTION 25.** Section 9e, chapter 877, Oregon Laws 2007, is amended to read:

11 **Sec. 9e.** [*If House Bill 2595 becomes law,*] The amendments to ORS 244.290 by section 9d,
12 **chapter 877, Oregon Laws 2007**, [*of this 2007 Act*] become operative January 1, [2010] **2013**.

13 **SECTION 26.** **Not later than February 1, 2011, the Oregon Government Ethics Commis-**
14 **sion shall report to the Seventy-sixth Legislative Assembly regarding the implementation of**
15 **the electronic filing system described in ORS 171.772 and 244.290.**

16 **SECTION 27.** **The Oregon Government Ethics Commission may not disclose the names**
17 **of any relatives or members of a household supplied on statements of economic interest filed**
18 **on or after January 1, 2008, and before the effective date of this 2009 Act.**

19 **SECTION 28.** (1) **Section 26 of this 2009 Act, the amendments to sections 8b and 9e,**
20 **chapter 877, Oregon Laws 2007, by sections 24 and 25 of this 2009 Act and the amendments**
21 **to ORS 171.745, 171.750, 244.010, 244.020, 244.025, 244.040, 244.042, 244.050, 244.060, 244.070,**
22 **244.100, 244.105, 244.110, 244.255, 244.282, 244.290, 244.320, 244.350, 244.380, 244.390, 293.708 and**
23 **441.540 by sections 1 to 23 of this 2009 Act become operative on January 1, 2010.**

24 (2) **The Oregon Government Ethics Commission may adopt rules or take any other action**
25 **before the operative date specified in subsection (1) of this section that is necessary to enable**
26 **the commission to exercise, on or after the operative date specified in subsection (1) of this**
27 **section, all the duties, functions and powers conferred upon the commission by this 2009 Act.**

28 **SECTION 29.** (1) **The amendments to ORS 244.025 and 244.040 by sections 3 and 4 of this**
29 **2009 Act apply to gifts solicited, received or offered on or after January 1, 2010.**

30 (2) **The amendments to ORS 244.060, 244.100 and 244.350 by sections 6, 8 and 16 of this 2009**
31 **Act apply to statements filed with the Oregon Government Ethics Commission on or after**
32 **January 1, 2010.**

33 (3) **The amendments to ORS 244.050 by section 5 of this 2009 Act apply to statements**
34 **required to be filed with the Oregon Government Ethics Commission for reporting periods**
35 **beginning on or after January 1, 2010.**

36 (4) **The amendments to ORS 244.282 and 244.320 by sections 12 and 15 of this 2009 Act**
37 **apply to activities that occur on or after January 1, 2010.**

38 **SECTION 30.** **This 2009 Act being necessary for the immediate preservation of the public**
39 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
40 **on its passage.**

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