

**A-Engrossed**  
**House Bill 3638**

Ordered by the House February 16  
Including House Amendments dated February 16

Sponsored by Representative HANNA; Representatives BENTZ, BRUUN, CAMERON, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, HUFFMAN, JENSON, KENNEMER, KRIEGER, MAURER, RICHARDSON, SPRENGER, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD (Presession filed.)

**SUMMARY**

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

Prohibits former member of Legislative Assembly from [*receiving salary for serving as public official in state government during period beginning on date person ceases being member and ending on date of adjournment sine die of next regular legislative session.*] **taking position as public official in state government and receiving salary for performance of duties as public official within one year after ceasing to be member. Creates exceptions. Exempts certain positions.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to employment of legislators following legislative service; creating new provisions; amend-  
3 ing ORS 244.045; and declaring an emergency.

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

5 **SECTION 1.** ORS 244.045 is amended to read:

6 244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Depart-  
7 ment of Consumer and Business Services, the Administrator of the Division of Finance and Corpo-  
8 rate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor  
9 Control Commission or the Director of the Oregon State Lottery shall not:

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

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

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

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

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

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

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

24 (a) Accept employment from or be retained by any private entity with whom the office of the  
25 State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract

**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 providing for payment by the state of at least \$25,000 in any single year during the term of office  
2 of the treasurer;

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

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

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

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

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

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

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

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

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

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

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

26 (b) This subsection does not apply to:

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

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

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

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

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

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

40 **(7)(a) A person who has been a member of the Legislative Assembly may not, within one**  
41 **year after ceasing to be a member of the Legislative Assembly, take a position as a public**  
42 **official in state government, as defined in ORS 174.111, and receive a salary for the per-**  
43 **formance of duties as a public official unless:**

44 **(A) Recruitment for the position is advertised to the public continuously for not less than**  
45 **two weeks;**

1 (B) The minimum qualifications for the position do not require prior service as a member  
2 of the Legislative Assembly; and

3 (C) At least three applicants or the number of applicants who meet the minimum quali-  
4 fications for the position, whichever is less, are considered for the position.

5 (b) This subsection does not apply to a person who has been a member of the Legislative  
6 Assembly who:

7 (A) Holds an elective public office;

8 (B) Is elected or appointed as a judge for the Supreme Court, Court of Appeals, Oregon  
9 Tax Court or circuit court; or

10 (C) Holds a position as a public official that requires confirmation by the Senate in the  
11 manner provided in ORS 171.562 and 171.565.

12 SECTION 2. The amendments to ORS 244.045 by section 1 of this 2010 Act apply to cur-  
13 rent or former members of the Legislative Assembly who are selected to be public officials  
14 on or after the effective date of this 2010 Act.

15 SECTION 3. This 2010 Act being necessary for the immediate preservation of the public  
16 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect  
17 on its passage.

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