

A-Engrossed
Senate Bill 273

Ordered by the Senate March 8
Including Senate Amendments dated March 8

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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.

Reduces maximum penalty that may be imposed for failure to file ethics statements in timely fashion from \$5,000 to \$1,000.

Reduces maximum penalty that may be imposed on registered lobbyist or employer of registered lobbyist for failure to file statement of expenditures in timely fashion from \$5,000 to \$1,000.

A BILL FOR AN ACT

1
2 Relating to statement of economic interest; creating new provisions; and amending ORS 171.992 and
3 244.350.

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

5 **SECTION 1.** ORS 244.350 is amended to read:

6 244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-
7 ceed:

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

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

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

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

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

18 (4)(a) The commission may impose civil penalties on a person who fails to file the statement
19 required under ORS 244.050 or 244.217. In enforcing this subsection, the commission is not required
20 to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 or 244.217
21 has occurred.

22 (b) Failure to file the required statement in timely fashion is prima facie evidence of a violation
23 of ORS 244.050 or 244.217.

24 (c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement
25 is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day

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 thereafter. The maximum penalty that may be imposed under this subsection is [~~\$5,000~~] **\$1,000**.

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 2.** ORS 171.992 is amended to read:

6 171.992. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule
7 adopted under ORS 171.725 to 171.785, shall forfeit and pay to the General Fund for each violation
8 a civil penalty of not more than \$5,000, to be determined by the Oregon Government Ethics Com-
9 mission.

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

14 (b) Failure to file the required statement in timely fashion is prima facie evidence of a violation
15 of ORS 171.745 or 171.750.

16 (c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement
17 is late beyond the date set by law and \$50 for each day thereafter. The maximum penalty that may
18 be imposed under this subsection is [~~\$5,000~~] **\$1,000**.

19 (3) A civil penalty imposed under this section may be recovered in an action brought in the
20 name of the State of Oregon in any court of appropriate jurisdiction or may be imposed as provided
21 in ORS 183.745. In any proceedings before the court, including judicial review under ORS 183.745,
22 the court may review the penalty as to both liability and reasonableness of amount.

23 (4)(a) Except as provided in paragraph (b) of this subsection, the commission shall report, in the
24 manner described in ORS 192.245, to the Legislative Assembly violations of any provision of ORS
25 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, for which a penalty is imposed
26 under this section. The report shall include the name of the person against whom the penalty was
27 imposed and describe the nature of the violation.

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

31 (5) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil penalty
32 under this section, the commission may issue a written letter of reprimand, explanation or education.

33 **SECTION 3. The amendments to ORS 171.992 and 244.350 by sections 1 and 2 of this 2011**
34 **Act apply to statements required to be filed on or after the effective date of this 2011 Act.**

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