

## SENATE AMENDMENTS TO SENATE BILL 273

By COMMITTEE ON RULES

March 8

1 In line 2 of the printed bill, after “ORS” insert “171.992 and”.

2 Delete lines 29 and 30 and insert:

3 “**SECTION 2.** ORS 171.992 is amended to read:

4 “171.992. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule  
5 adopted under ORS 171.725 to 171.785, shall forfeit and pay to the General Fund for each violation  
6 a civil penalty of not more than \$5,000, to be determined by the Oregon Government Ethics Com-  
7 mission.

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

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

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

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

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

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

29 “(5) In lieu of or in conjunction with finding a violation of law or rule or imposing a civil pen-  
30 alty under this section, the commission may issue a written letter of reprimand, explanation or ed-  
31 ucation.

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

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