

HOUSE AMENDMENTS TO HOUSE BILL 2019

By COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFECTIVENESS

April 27

1 On page 1 of the printed bill, delete lines 5 through 22.

2 On page 2, delete lines 1 through 15 and insert:

3 “**SECTION 1.** ORS 244.250 is amended to read:

4 “244.250. (1) The Oregon Government Ethics Commission is established, consisting of *[seven]*
5 **nine** members. The appointment of a member of the commission is subject to confirmation by the
6 Senate in the manner provided in ORS 171.562 and 171.565. Members shall be appointed in the fol-
7 lowing manner:

8 “(a) The Governor shall appoint *[four]* **eight** members from among persons recommended, *[one]*
9 **two** each by the leadership of the Democratic and Republican parties in each house of the Legisla-
10 tive Assembly. If a person recommended by the leadership of the Democratic or Republican party
11 is not approved by the Governor, the leadership shall recommend another person.

12 “(b) The Governor shall appoint *[three members]* **one member** without leadership recommen-
13 dation. *[No more than two members appointed under this paragraph may be members of the same*
14 *major political party.]*

15 “(2) A person who holds any public office listed in ORS 244.050 (1) except as a member of the
16 commission may not be appointed to the commission. No more than *[four]* **three** members may be
17 members of the same political party.

18 “(3) The term of office of a member is four years. A member is not eligible to be appointed to
19 more than one full term but may serve out an unexpired term. Vacancies shall be filled by the ap-
20 pointing authority for the unexpired term.

21 “(4) The commission shall elect a chairperson and vice chairperson for such terms and duties
22 as the commission may require.

23 “(5) A quorum consists of *[four]* **five** members but a final decision may not be made without an
24 affirmative vote of a majority of the members appointed to the commission.

25 “(6) Members shall be entitled to compensation and expenses as provided in ORS 292.495.

26 “(7) The commission may retain or appoint qualified legal counsel who must be a member of the
27 Oregon State Bar and who is responsible to the commission. The appointment of legal counsel under
28 this subsection may be made only when the commission finds it is inappropriate and contrary to the
29 public interest for the office of the Attorney General to represent concurrently more than one public
30 official or agency in any matter before the commission because the representation:

31 “(a) Would create or tend to create a conflict of interest; and

32 “(b) Is not subject to ORS 180.230 or 180.235.

33 “(8) The Attorney General may not represent before the commission any state public official
34 who is the subject of any complaint or action of the commission at the commission’s own
35 instigation.”.

1 On page 3, line 8, delete “commission determines”.

2 Delete line 9 and insert “executive director completes the statement of the facts determined

3 during the phase under paragraph (d) of this subsection.”.

4 In line 33, delete “Prior to” and insert “At”.

5 In line 37, delete “At” and insert “Following”.

6 On page 4, line 17, after the period insert “If the commission considers the recommendation of

7 the executive director in an executive session but the commission does not affirmatively vote to

8 undertake an investigation, dismiss the complaint or rescind its motion, the nonaction taken by the

9 commission shall be considered a dismissal of the complaint or a rescission of its motion.”.

10 On page 7, delete lines 21 through 29 and insert:

11 “(c) Findings issued by the commission under ORS 244.260 in instances where the commission

12 determines that there has been a violation of a provision of this chapter or of any rule adopted by

13 the commission under this chapter. Nothing in this paragraph requires the commission to make

14 publicly available materials that are otherwise exempt from public disclosure or that are required

15 to be kept confidential by the commission.”.

16 In line 30, delete “5” and insert “4”.

17 In line 36, delete “6” and insert “5”.

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