

# House Bill 3043

Sponsored by Representative PARRISH

## 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 **as introduced**.

Provides that upon being sworn into office, or for other stated reasons, Governor shall file declaration with Oregon Government Ethics Commission declaring identity of First Spouse and identifying official policy-making or agenda-setting duties of First Spouse, if any. Imposes limits on official activities of First Spouse. Modifies limitations if First Spouse is declared to have official policy-making or agenda-setting duties.

Requires Governor and First Spouse to file written description of duties, objectives, purposes and intended outcomes for role of First Spouse and to update description as First Spouse role changes.

Requires First Spouse to request written determination of conflict of interest from commission prior to becoming First Spouse if First Spouse engages in private employment or contracts to perform services. In cases where First Spouse is to perform official policy-making or agenda-setting duties, prohibits First Spouse from engaging in private employment or performing contractual services until at least 180 days after official duties cease.

Requires First Spouse to file annual statement of economic interest with commission.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the Governor of the State of Oregon; creating new provisions; amending ORS 244.050;  
3 and declaring an emergency.

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

5 **SECTION 1. (1) As used in this section, "First Spouse" means an individual who primarily**  
6 **has a personal relationship with the Governor and who may also perform official duties for**  
7 **the Governor if the Governor assigns official duties to the First Spouse under subsection (2)**  
8 **of this section. The Governor may substitute another term such as "First Lady," "First**  
9 **Husband," "First Partner" or other moniker of the Governor's choosing for the term "First**  
10 **Spouse" by setting forth the moniker of choice in the sworn statement described in sub-**  
11 **section (2) of this section. If the Governor chooses to substitute an alternative moniker in**  
12 **the sworn statement described in subsection (2) of this section, that alternative moniker has**  
13 **the meaning of the term "First Spouse."**

14 **(2) Within 72 hours of taking the oath of office, or to effect a change in the duties or**  
15 **identity of the individual the Governor names as First Spouse, the Governor shall file a**  
16 **sworn statement with the Oregon Government Ethics Commission declaring that:**

17 **(a) No individual will serve in the position of First Spouse;**

18 **(b) An individual will serve in the position of First Spouse, naming that individual and**  
19 **attesting that the First Spouse will have no official duties; or**

20 **(c) An individual will serve in the position of First Spouse, naming that individual, at-**  
21 **testing that the First Spouse will have an official policy-making or agenda-setting position**  
22 **for the Governor and describing all of the official policy-making or agenda-setting duties the**  
23 **First Spouse will perform.**

24 **(3) If the Governor declares that no individual will serve in the position of First Spouse**

**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 in the filing described in subsection (2) of this section, the Governor or any other person  
 2 may not apply to any individual the title First Spouse, First Lady, First Husband or First  
 3 Partner in any official document or statement.

4 (4) If the Governor declares a First Spouse and attests that the First Spouse will not  
 5 have any official duties in the filing described in subsection (2) of this section, the First  
 6 Spouse may not:

7 (a) Advocate for any policy positions at events the First Spouse attends with the Gover-  
 8 nor or at events attended in the capacity of First Spouse;

9 (b) Testify at any legislative hearing or speak at any policy-making forum in the capacity  
 10 of First Spouse;

11 (c) Travel or attend events, if the cost of travel or attendance is paid for by public funds;

12 (d) Use state employees to perform services or use state-owned offices, equipment or  
 13 other tangible property, except that the First Spouse may reside in any publicly owned offi-  
 14 cial residence, use state employees in relation to the operation of the official residence and  
 15 use state-furnished security services or state-furnished transportation provided for security  
 16 purposes; or

17 (e) Use the title First Spouse in connection with any private employment or private  
 18 business venture.

19 (5) If the Governor declares a First Spouse and attests that the First Spouse will hold  
 20 an official policy-making or agenda-setting position for the Governor, the First Spouse:

21 (a) May testify at legislative hearings or speak at policy-making forums if the content  
 22 pertains to the subjects for which the First Spouse holds an official position, but may not  
 23 testify or speak in the capacity of First Spouse on any other subject.

24 (b) May travel to or attend events for which the travel or attendance costs are paid using  
 25 public funds, if the purpose pertains to the subjects for which the First Spouse holds an of-  
 26 ficial position, but may not travel to or attend events using public funds if the purpose is  
 27 unrelated to the official position of the First Spouse.

28 (c) May use state employees and state-owned offices, equipment and other tangible  
 29 property to perform duties pertaining to the official position of the First Spouse, and may  
 30 also use state employees or state-owned resources for any purpose allowed under subsection  
 31 (4)(d) of this section, but may not use state employees or state-owned resources for any  
 32 other purpose.

33 (d) May not use the title First Spouse in connection with any private employment or  
 34 private business venture.

35 (6) If the Governor declares that the First Spouse will have an official policy-making or  
 36 agenda-setting position under subsection (5) of this section:

37 (a) The Governor shall set forth the specific duties the First Spouse is to perform, the  
 38 objectives and purposes for the role and the intended outcomes to be achieved by the First  
 39 Spouse;

40 (b) The First Spouse shall sign the written description acknowledging the duties, objec-  
 41 tives, purposes and intended outcomes;

42 (c) The acknowledged description must be filed with the commission;

43 (d) The First Spouse shall attend ethics law training given by the commission; and

44 (e) The Governor and the First Spouse shall periodically update the written description  
 45 as necessary to reflect any new duties assigned or any previous duties no longer to be per-

1 **formed. The written description must be updated in conformance with paragraphs (a) to (c)**  
 2 **of this subsection.**

3 **SECTION 2. (1) A First Spouse, as defined in section 1 of this 2015 Act, or an individual**  
 4 **for whom a First Spouse declaration under section 1 of this 2015 Act is intended to be made,**  
 5 **shall request a written determination from the Oregon Government Ethics Commission re-**  
 6 **garding whether an actual or potential conflict of interest exists before the First Spouse or**  
 7 **individual:**

8 (a) **Accepts private employment;**

9 (b) **Enters into any contract for the performance of consulting or business services; or**

10 (c) **Is declared by the Governor as the First Spouse under section 1 (4) or (5) of this 2015**  
 11 **Act if privately employed or a party to a contract for the First Spouse to perform profes-**  
 12 **sional, consulting or business services at the time of the declaration.**

13 (2) **For the purposes of this section, an actual conflict of interest exists if the circum-**  
 14 **stances described in ORS 244.020 (1) are present or if the private employment or contract for**  
 15 **services relates to the subjects for which the First Spouse holds an official policy-making or**  
 16 **agenda-setting position under section 1 (5) of this 2015 Act.**

17 (3) **The commission shall issue written findings on whether an actual conflict of interest**  
 18 **exists within 15 days of receipt of a request under subsection (1) of this section. The First**  
 19 **Spouse may not participate in private employment or enter into a contract for services to**  
 20 **be performed by the First Spouse if the commission determines that an actual conflict of**  
 21 **interest exists.**

22 (4) **A First Spouse for whom a declaration of official policy-making or agenda-setting**  
 23 **duties has been declared under section 1 (5) of this 2015 Act may not accept private em-**  
 24 **ployment or enter into a contract for the First Spouse to perform professional, consulting**  
 25 **or business services that relate to the subjects for which the First Spouse holds an official**  
 26 **position until at least 180 days after the date that the First Spouse no longer serves as First**  
 27 **Spouse or the written description under section 1 (6) indicates that the First Spouse no**  
 28 **longer has official duties that relate to the private employment or contract for the per-**  
 29 **formance of services.**

30 (5) **The executive department, as defined in ORS 174.112, except the Office of the Gover-**  
 31 **nor, may not appoint or employ a First Spouse.**

32 **SECTION 3. ORS 244.050 is amended to read:**

33 244.050. (1) **On or before April 15 of each year the following persons shall file with the Oregon**  
 34 **Government Ethics Commission a verified statement of economic interest as required under this**  
 35 **chapter:**

36 (a) **The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the**  
 37 **Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.**

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

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

41 (d) **The Deputy Attorney General.**

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

44 (f) **The Chancellor and Vice Chancellors of the Oregon University System and the president and**  
 45 **vice presidents, or their administrative equivalents, in each public university listed in ORS 352.002.**

- 1 (g) The following state officers:
- 2 (A) Adjutant General.
- 3 (B) Director of Agriculture.
- 4 (C) Manager of State Accident Insurance Fund Corporation.
- 5 (D) Water Resources Director.
- 6 (E) Director of Department of Environmental Quality.
- 7 (F) Director of Oregon Department of Administrative Services.
- 8 (G) State Fish and Wildlife Director.
- 9 (H) State Forester.
- 10 (I) State Geologist.
- 11 (J) Director of Human Services.
- 12 (K) Director of the Department of Consumer and Business Services.
- 13 (L) Director of the Department of State Lands.
- 14 (M) State Librarian.
- 15 (N) Administrator of Oregon Liquor Control Commission.
- 16 (O) Superintendent of State Police.
- 17 (P) Director of the Public Employees Retirement System.
- 18 (Q) Director of Department of Revenue.
- 19 (R) Director of Transportation.
- 20 (S) Public Utility Commissioner.
- 21 (T) Director of Veterans' Affairs.
- 22 (U) Executive director of Oregon Government Ethics Commission.
- 23 (V) Director of the State Department of Energy.
- 24 (W) Director and each assistant director of the Oregon State Lottery.
- 25 (X) Director of the Department of Corrections.
- 26 (Y) Director of the Oregon Department of Aviation.
- 27 (Z) Executive director of the Oregon Criminal Justice Commission.
- 28 (AA) Director of the Oregon Business Development Department.
- 29 (BB) Director of the Office of Emergency Management.
- 30 (CC) Director of the Employment Department.
- 31 (DD) Chief of staff for the Governor.
- 32 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 33 (FF) Director of the Housing and Community Services Department.
- 34 (GG) State Court Administrator.
- 35 (HH) Director of the Department of Land Conservation and Development.
- 36 (II) Board chairperson of the Land Use Board of Appeals.
- 37 (JJ) State Marine Director.
- 38 (KK) Executive director of the Oregon Racing Commission.
- 39 (LL) State Parks and Recreation Director.
- 40 (MM) Public defense services executive director.
- 41 (NN) Chairperson of the Public Employees' Benefit Board.
- 42 (OO) Director of the Department of Public Safety Standards and Training.
- 43 (PP) Executive director of the Higher Education Coordinating Commission.
- 44 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 45 (RR) Director of the Oregon Youth Authority.

- 1 (SS) Director of the Oregon Health Authority.
- 2 (TT) Deputy Superintendent of Public Instruction.
- 3 (h) **The First Spouse, as defined in section 1 of this 2015 Act, and** any assistant in the
- 4 Governor's office other than personal secretaries and clerical personnel.
- 5 (i) Every elected city or county official.
- 6 (j) Every member of a city or county planning, zoning or development commission.
- 7 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
- 8 cipal administrator of the city or county.
- 9 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 10 (m) Every member of a governing body of a metropolitan service district and the executive of-
- 11 ficer thereof.
- 12 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 13 (o) The chief administrative officer and the financial officer of each common and union high
- 14 school district, education service district and community college district.
- 15 (p) Every member of the following state boards and commissions:
- 16 (A) Board of Geologic and Mineral Industries.
- 17 (B) Oregon Business Development Commission.
- 18 (C) State Board of Education.
- 19 (D) Environmental Quality Commission.
- 20 (E) Fish and Wildlife Commission of the State of Oregon.
- 21 (F) State Board of Forestry.
- 22 (G) Oregon Government Ethics Commission.
- 23 (H) Oregon Health Policy Board.
- 24 (I) State Board of Higher Education.
- 25 (J) Oregon Investment Council.
- 26 (K) Land Conservation and Development Commission.
- 27 (L) Oregon Liquor Control Commission.
- 28 (M) Oregon Short Term Fund Board.
- 29 (N) State Marine Board.
- 30 (O) Mass transit district boards.
- 31 (P) Energy Facility Siting Council.
- 32 (Q) Board of Commissioners of the Port of Portland.
- 33 (R) Employment Relations Board.
- 34 (S) Public Employees Retirement Board.
- 35 (T) Oregon Racing Commission.
- 36 (U) Oregon Transportation Commission.
- 37 (V) Water Resources Commission.
- 38 (W) Workers' Compensation Board.
- 39 (X) Oregon Facilities Authority.
- 40 (Y) Oregon State Lottery Commission.
- 41 (Z) Pacific Northwest Electric Power and Conservation Planning Council.
- 42 (AA) Columbia River Gorge Commission.
- 43 (BB) Oregon Health and Science University Board of Directors.
- 44 (CC) Capitol Planning Commission.
- 45 (DD) Higher Education Coordinating Commission.

1 (EE) Oregon Growth Board.

2 (FF) Early Learning Council.

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

4 (A) Deputy State Treasurer.

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

6 (C) Director of the Investment Division.

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

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

10 (t) Every member of a governing board of a public university with a governing board listed in  
11 ORS 352.054.

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

16 (3) By April 15 next after the filing deadline for the primary election, each candidate described  
17 in subsection (1) of this section shall file with the commission a statement of economic interest as  
18 required under ORS 244.060, 244.070 and 244.090.

19 (4) Within 30 days after the filing deadline for the general election, each candidate described in  
20 subsection (1) of this section who was not a candidate in the preceding primary election, or who  
21 was nominated for public office described in subsection (1) of this section at the preceding primary  
22 election by write-in votes, shall file with the commission a statement of economic interest as re-  
23 quired under ORS 244.060, 244.070 and 244.090.

24 (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or  
25 appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections  
26 (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the  
27 filing deadline for the statewide general election.

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

33 **SECTION 4. Sections 1 and 2 of this 2015 Act are added to and made a part of ORS**  
34 **chapter 244.**

35 **SECTION 5. This 2015 Act being necessary for the immediate preservation of the public**  
36 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
37 **on its passage.**

38