

Senate Bill 294

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon Government Ethics Commission)

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**.

Grants Oregon Government Ethics Commission administrative rulemaking authority to assist in commission's enforcement of executive session provisions of public meeting laws.

A BILL FOR AN ACT

1
2 Relating to executive session provisions of public meeting law; creating new provisions; and
3 amending ORS 244.290.

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

5 **SECTION 1.** ORS 244.290 is amended to read:

6 244.290. (1) The Oregon Government Ethics Commission shall:

7 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
8 required to file the statements under this chapter or pursuant to a resolution adopted under ORS
9 244.160.

10 (b) Develop a filing, coding and cross-indexing system consistent with the purposes of this
11 chapter.

12 (c) Prepare and publish reports the commission finds are necessary.

13 (d) Make advisory opinions issued by the commission or the executive director of the commis-
14 sion available to the public at no charge on the Internet.

15 (e) Accept and file any information voluntarily supplied that exceeds the requirements of this
16 chapter.

17 (f) Make statements and other information filed with the commission available for public in-
18 spection and copying during regular office hours, and make copying facilities available at a charge
19 not to exceed actual cost.

20 (g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly
21 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

22 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
23 171.785, [*and*] 171.992, **192.660 and 192.685** and this chapter, including rules to:

24 (a) Create a procedure under which items before the commission may be treated under a consent
25 calendar and voted on as a single item;

26 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
27 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
28 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
29 the public disclosure;

30 (c) Establish an administrative process whereby a person subpoenaed by the commission may

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 obtain a protective order;

2 (d) List criteria and establish a process for the commission to use prosecutorial discretion to
3 decide whether to proceed with an inquiry or investigation;

4 (e) Establish a procedure under which the commission shall conduct accuracy audits of a sample
5 of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

6 (f) Describe the application of provisions exempting items from the definition of “gift” in ORS
7 244.020;

8 (g) Specify when a continuing violation is considered a single violation or a separate and dis-
9 tinct violation for each day the violation occurs; and

10 (h) Set criteria for determining the amount of civil penalties that the commission may impose.

11 (3) The commission may adopt rules that:

12 (a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes
13 that qualify under the class exception from the definition of “potential conflict of interest” under
14 ORS 244.020;

15 (b) Require the disclosure and reporting of gifts or other compensation made to or received by
16 a public official or candidate;

17 (c) Establish criteria for cases in which information relating to notices of actual or potential
18 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

19 (d) Allow the commission to accept the filing of a statement containing less than all of the in-
20 formation required under ORS 244.060 and 244.070 if the public official or candidate certifies on the
21 statement that the information contained on the statement previously filed is unchanged or certifies
22 only as to any changed material.

23 (4) Not less frequently than once each calendar year, the commission shall:

24 (a) Consider adoption of rules the commission deems necessary to implement or interpret pro-
25 visions of this chapter relating to issues the commission determines are of general interest to public
26 officials or candidates or that are addressed by the commission or by commission staff on a recur-
27 ring basis; and

28 (b) Review rules previously adopted by the commission to determine whether the rules have
29 continuing applicability or whether the rules should be amended or repealed.

30 (5) The commission shall adopt by rule an electronic filing system under which statements re-
31 quired to be filed under ORS 244.050 and 244.217 may be filed, without a fee, with the commission
32 in an electronic format. The commission shall accept statements filed under ORS 244.050 and 244.217
33 in a format that is not electronic.

34 (6) The commission shall make statements filed under ORS 244.050 and 244.217, including state-
35 ments that are not filed in an electronic format, available in a searchable format for review by the
36 public using the Internet.

37 **SECTION 2.** ORS 244.290, as amended by section 9d, chapter 877, Oregon Laws 2007, and sec-
38 tion 14, chapter 68, Oregon Laws 2009, is amended to read:

39 244.290. (1) The Oregon Government Ethics Commission shall:

40 (a) Prescribe forms for statements required by this chapter and provide the forms to persons
41 required to file the statements under this chapter or pursuant to a resolution adopted under ORS
42 244.160.

43 (b) Develop a filing, coding and cross-indexing system consistent with the purposes of this
44 chapter.

45 (c) Prepare and publish reports the commission finds are necessary.

1 (d) Make advisory opinions issued by the commission or the executive director of the commis-
2 sion available to the public at no charge on the Internet.

3 (e) Accept and file any information voluntarily supplied that exceeds the requirements of this
4 chapter.

5 (f) Make statements and other information filed with the commission available for public in-
6 spection and copying during regular office hours, and make copying facilities available at a charge
7 not to exceed actual cost.

8 (g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly
9 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

10 (2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to
11 171.785, [and] 171.992, **192.660 and 192.685** and this chapter, including rules to:

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13 calendar and voted on as a single item;

14 (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS
15 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions
16 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant
17 the public disclosure;

18 (c) Establish an administrative process whereby a person subpoenaed by the commission may
19 obtain a protective order;

20 (d) List criteria and establish a process for the commission to use prosecutorial discretion to
21 decide whether to proceed with an inquiry or investigation;

22 (e) Establish a procedure under which the commission shall conduct accuracy audits of a sample
23 of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

24 (f) Describe the application of provisions exempting items from the definition of "gift" in ORS
25 244.020;

26 (g) Specify when a continuing violation is considered a single violation or a separate and dis-
27 tinct violation for each day the violation occurs; and

28 (h) Set criteria for determining the amount of civil penalties that the commission may impose.

29 (3) The commission may adopt rules that:

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31 that qualify under the class exception from the definition of "potential conflict of interest" under
32 ORS 244.020;

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34 a public official or candidate;

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36 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

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45 ring basis; and

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2 continuing applicability or whether the rules should be amended or repealed.

3 (5) The commission shall adopt by rule an electronic filing system under which statements re-
4 quired to be filed under ORS 244.050 and 244.217 must be filed, without a fee, with the commission
5 in an electronic format.

6 (6) The commission shall make statements filed under ORS 244.050 and 244.217 available in a
7 searchable format for review by the public using the Internet.

8 **SECTION 3. The amendments to ORS 244.290 by sections 1 and 2 of this 2015 Act apply**
9 **to alleged violations of ORS 192.660 that occur on or after the effective date of this 2015 Act.**

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