

House Bill 3072

Sponsored by Representative HACK

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**.

Prohibits person who is head of state agency or chief of staff, legal counsel, deputy legal counsel or senior policy advisor within Governor's office from receiving money or other consideration for lobbying within one year after person ceases to hold position.

A BILL FOR AN ACT

1
2 Relating to former public officials serving as lobbyists; creating new provisions; and amending ORS
3 244.045.

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

5 **SECTION 1.** ORS 244.045 is amended to read:

6 244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Depart-
7 ment of Consumer and Business Services, the Administrator of the Division of Finance and Corpo-
8 rate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor
9 Control Commission or the Director of the Oregon State Lottery [*shall*] **may** not:

10 (a) Within one year after the public official ceases to hold the position become an employee of
11 or receive any financial gain, other than reimbursement of expenses, from any private employer
12 engaged in the activity, occupation or industry over which the former public official had authority;
13 or

14 (b) Within two years after the public official ceases to hold the position:

15 (A) Be a lobbyist for or appear as a representative before the agency over which the person
16 exercised authority as a public official;

17 (B) Influence or try to influence the actions of the agency; or

18 (C) Disclose any confidential information gained as a public official.

19 (2) A person who has been a Deputy Attorney General or an assistant attorney general [*shall*]
20 **may** not, within two years after the person ceases to hold the position, lobby or appear before an
21 agency that the person represented while employed by the Department of Justice.

22 (3) A person who has been the State Treasurer or the Deputy State Treasurer [*shall*] **may** not,
23 within one year after ceasing to hold office:

24 (a) Accept employment from or be retained by any private entity with whom the office of the
25 State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract
26 providing for payment by the state of at least \$25,000 in any single year during the term of office
27 of the treasurer;

28 (b) Accept employment from or be retained by any private entity with whom the office of the
29 State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in
30 any single year during the term of office of the treasurer; or

31 (c) Be a lobbyist for an investment institution, manager or consultant, or appear before the of-

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 fice of the State Treasurer or Oregon Investment Council as a representative of an investment in-
 2 stitution, manager or consultant.

3 (4) A public official who as part of the official’s duties invested public funds [*shall*] **may** not
 4 within two years after the public official ceases to hold the position:

5 (a) Be a lobbyist or appear as a representative before the agency, board or commission for which
 6 the former public official invested public funds;

7 (b) Influence or try to influence the agency, board or commission; or

8 (c) Disclose any confidential information gained as a public official.

9 (5)(a) A person who has been a member of the Department of State Police, who has held a po-
 10 sition with the department with the responsibility for supervising, directing or administering pro-
 11 grams relating to gaming by a Native American tribe or the Oregon State Lottery and who has been
 12 designated by the Superintendent of State Police by rule [*shall*] **may** not, within one year after the
 13 member of the Department of State Police ceases to hold the position:

14 (A) Accept employment from or be retained by or receive any financial gain related to gaming
 15 from the Oregon State Lottery or any Native American tribe;

16 (B) Accept employment from or be retained by or receive any financial gain from any private
 17 employer selling or offering to sell gaming products or services;

18 (C) Influence or try to influence the actions of the Department of State Police; or

19 (D) Disclose any confidential information gained as a member of the Department of State Police.

20 (b) This subsection does not apply to:

21 (A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a
 22 Tribal Gaming Commissioner or regulatory agent thereof;

23 (B) Contracting with the Oregon State Lottery as a lottery game retailer;

24 (C) Financial gain received from personal gaming activities conducted as a private citizen; or

25 (D) Subsequent employment in any capacity by the Department of State Police.

26 (c) As used in this subsection, “Native American tribe” means any recognized Native American
 27 tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public
 28 Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

29 (6)(a) A person who has been a member of the Legislative Assembly may not receive money or
 30 any other consideration for lobbying as defined in ORS 171.725 performed during the period begin-
 31 ning on the date the person ceases to be a member of the Legislative Assembly and ending on the
 32 date of adjournment sine die of the next regular session of the Legislative Assembly that begins
 33 after the date the person ceases to be a member of the Legislative Assembly.

34 (b) **A person who has been the head of a state agency may not, within one year after the**
 35 **person ceases to hold the position, receive money or any other consideration for lobbying as**
 36 **defined in ORS 171.725.**

37 (c) **A person who has been the chief of staff, the legal counsel, the deputy legal counsel**
 38 **or a senior policy advisor within the Governor’s office may not, within one year after the**
 39 **person ceases to hold the position, receive money or any other consideration for lobbying as**
 40 **defined in ORS 171.725.**

41 (d) **As used in this subsection:**

42 (A) **“Senior policy advisor” means a policy advisor within the Governor’s office who is**
 43 **required to file a statement of economic interest under ORS 244.050.**

44 (B) **“State agency” has the meaning given the term “agency” in ORS 183.310.**

45 **SECTION 2. The amendments to ORS 244.045 by section 1 of this 2017 Act apply to per-**

1 **sons who cease to hold the position of head of a state agency or as the chief of staff, the legal**
2 **counsel, the deputy legal counsel or a senior policy advisor within the Governor's office on**
3 **or after the effective date of this 2017 Act.**

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