

# House Bill 3238

Sponsored by Representative WHISNANT

## 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 employed by state agency from participating in public contract within five years after person ceases to hold position.

## A BILL FOR AN ACT

1  
2 Relating to former agency employee's ability to participate in public contract; creating new pro-  
3 visions; and amending ORS 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 employed by a state agency may not, within five years after**  
 35 **the person ceases to hold the position, participate in the procurement, execution, adminis-**  
 36 **tration or fulfillment of a public contract.**

37 **(c) As used in this subsection:**

38 **(A) “Public contract” means any acquisition, disposition, purchase, lease, sale or transfer**  
 39 **of rights by a state agency of real or personal property, public improvements or services.**

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

41 **SECTION 2. The amendments to ORS 244.045 by section 1 of this 2017 Act apply to per-**  
 42 **sons who cease to hold a position with a state agency on or after the effective date of this**  
 43 **2017 Act.**