## Senate Bill 413

Sponsored by Senator JOHNSON (Presession filed.)

## **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.** 

Establishes Legislative Committee on Accountability as joint committee of Legislative Assembly. Directs committee to appoint Legislative Accountability Director and authorizes director, pursuant to committee request, to review existing state and local government programs to ascertain effectiveness, need, viability of alternatives and degree to which programs adhere to legislative policy and intent of enabling legislation as reflected in legislative history. Requires director to report findings to committee.

## A BILL FOR AN ACT

Relating to joint committees of the Legislative Assembly; creating new provisions; and amending ORS 171.415, 171.425, 171.430 and 244.050.

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

<u>SECTION 1.</u> (1) The Legislative Committee on Accountability is established as a joint committee of the Legislative Assembly.

- (2) The committee shall select a director who shall be known as the Legislative Accountability Director and who shall serve as the executive officer of the committee. The director shall serve at the pleasure of the committee.
- (3) The committee shall fix the annual salary of the director. Subject to the limitations otherwise provided by law for expenses of state officers, the director shall be reimbursed for actual and necessary expenses incurred or paid by the director in the performance of duties of the director.
- <u>SECTION 2.</u> (1) The Legislative Accountability Director shall, at the direction of the Legislative Committee on Accountability:
- (a) Review existing state or local government programs and ascertain the effectiveness and efficiency of the programs in achieving program goals or missions;
- (b) Examine the extent to which state and local government programs continue to be needed and used;
- (c) Examine other alternatives to existing state and local government programs that could accomplish the same or similar objectives; and
- (d) Determine the extent to which existing state and local government programs adhere to legislative policy and intent as reflected in the legislative history of enabling legislation that enacted the programs under review.
- (2) The director shall report findings of the reviews described in subsection (1) of this section to the committee.
- (3) The director may employ and fix the compensation of such professional assistants and other employees as the director deems necessary for the work under the charge of the director. The director and staff hired by the director shall be known and may be referred to

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as the Legislative Accountability Office.

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- (4) The director may enter into contracts to carry out the functions of the office.
- SECTION 3. (1) The Legislative Committee on Accountability shall consist of the Speaker of the House of Representatives, the President of the Senate, members of the House appointed by the Speaker and members of the Senate appointed by the President. The Speaker of the House of Representatives and the President of the Senate may each designate from among the members of the appropriate house an alternate to exercise powers as a member of the committee. The appointing authorities shall appoint members of a new committee within 30 days after the date of the convening of each odd-numbered year regular session of the Legislative Assembly.
- (2) The term of a member of the committee shall expire upon the date of the convening of the odd-numbered year regular session of the Legislative Assembly next following the member's appointment. Vacancies occurring in the membership of the committee shall be filled by the appointing authority.
- (3) The committee has a continuing existence and may meet, act and conduct its business during the sessions of the Legislative Assembly or any recess thereof, and in the interim period between sessions, but the committee has no authority to affect the rules of either house.
- (4) The committee may appoint advisory committees or subcommittees. Individuals other than members of the Legislative Assembly may serve on such advisory committees or subcommittees. A member of such advisory committee or subcommittee who is not a member of the Legislative Assembly shall be compensated and reimbursed in the manner provided in ORS 292.495.
- (5) The committee may not transact business unless a quorum is present. A quorum consists of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.
- (6) Action by the committee requires the affirmative vote of a majority of committee members from the House of Representatives and a majority of committee members from the Senate.
- SECTION 4. (1) The expiration of the terms of members of the Legislative Committee on Accountability, as provided in section 3 of this 2017 Act, does not affect the employment of any individual filling a position previously approved by the committee.
- (2) After the convening of the Legislative Assembly in an odd-numbered year regular session and until the newly appointed Legislative Committee on Accountability provides otherwise, the Legislative Accountability Director may employ and fix the compensation of individuals employed in the Legislative Accountability Office.
- (3) Notwithstanding sections 1 and 3 of this 2017 Act, if a vacancy occurs in the position of director after the convening of the Legislative Assembly in an odd-numbered year regular session and before the appointment of a Legislative Committee on Accountability, the President of the Senate and the Speaker of the House of Representatives may jointly select a director. The director selected by the President and the Speaker serves at their pleasure at a salary jointly fixed by the President and the Speaker that does not exceed the salary last fixed by the committee. The President and Speaker may act in lieu of the committee under ORS 293.335 in designating the director they select to approve disbursements and in filing the statement of designation. After appointment of a Legislative Committee on Accountability,

the director selected under this subsection serves at the pleasure of the committee and the committee may exercise power and authority over the director as if the director had been selected by the committee.

**SECTION 5.** ORS 171.415 is amended to read:

- 171.415. (1) Except as provided in subsections (2) and (3) of this section, a committee or employee of the Legislative Assembly having possession of legislative records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of a regular or special session, deliver all such legislative records to the Legislative Administration Committee.
- (2) The chairperson, member or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, within 10 days after the committee ceases to function or before January 1 next preceding the beginning of an odd-numbered year regular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to the Legislative Administration Committee.
- (3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee, [or] the Joint Committee on Ways and Means or the Legislative Committee on Accountability.
- **SECTION 6.** ORS 171.415, as amended by section 7, chapter 88, Oregon Laws 2016, is amended to read:
  - 171.415. (1) Except as provided in subsections (2) and (3) of this section, a committee or employee of the Legislative Assembly having possession of legislative records that are not required for the regular performance of official duties shall, within 10 days after the adjournment sine die of a regular or special session, deliver all such legislative records to the Legislative Administration Committee.
  - (2) The chairperson, member or employee of a legislative interim committee responsible for maintaining the legislative records of that committee shall, within 10 days after the committee ceases to function or before January 1 next preceding the beginning of an odd-numbered year regular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to the Legislative Administration Committee.
  - (3) This section does not apply to the records of the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee, the Legislative Policy and Research Committee, [or] the Joint Committee on Ways and Means or the Legislative Committee on Accountability.

SECTION 7. ORS 171.425 is amended to read:

171.425. The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Administrator, the Legislative Counsel, [or] the Legislative Revenue Officer or the Legislative Accountability Director to borrow and temporarily have possession of such legislative records as such officer requests.

**SECTION 8.** ORS 171.425, as amended by section 8, chapter 88, Oregon Laws 2016, is amended to read:

171.425. The State Archivist shall allow the Legislative Fiscal Officer, the Legislative Administrator, the Legislative Counsel, the Legislative Revenue Officer, [or] the Legislative Policy and Research Director or the Legislative Accountability Director to borrow and temporarily have possession of such legislative records as such officer requests.

SECTION 9. ORS 171.430 is amended to read:

171.430. (1) Except for legislative records borrowed under ORS 171.425 and except as provided in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee or the Joint Committee on Ways and Means may cause any legislative records in its possession to be destroyed or otherwise disposed of, if such legislative records are considered by such committee to be of no value to the state or the public and are no longer necessary under or pursuant to any statute requiring their creation or maintenance or affecting their use. However, such committee shall prior to destruction or disposal notify the State Archivist and transfer to the official custody of the State Archivist any such legislative records that are requisitioned by the State Archivist, except those designated as confidential by statute or by rule or resolution of the Legislative Assembly or of such committee.

(2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee, [and] the Joint Committee on Ways and Means and the Legislative Committee on Accountability shall cause sound recordings of its hearings or meetings to be retained, or if not retained, to be delivered to the State Archivist. The archivist shall be official custodian of the sound recordings so delivered.

**SECTION 10.** ORS 171.430, as amended by section 9, chapter 88, Oregon Laws 2016, is amended to read:

171.430. (1) Except for legislative records borrowed under ORS 171.425 and except as provided in subsection (2) of this section, the Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee, the Legislative Policy and Research Committee or the Joint Committee on Ways and Means may cause any legislative records in its possession to be destroyed or otherwise disposed of, if such legislative records are considered by such committee to be of no value to the state or the public and are no longer necessary under or pursuant to any statute requiring their creation or maintenance or affecting their use. However, such committee shall prior to destruction or disposal notify the State Archivist and transfer to the official custody of the State Archivist any such legislative records that are requisitioned by the State Archivist, except those designated as confidential by statute or by rule or resolution of the Legislative Assembly or of such committee.

(2) The Emergency Board, the Legislative Administration Committee, the Legislative Counsel Committee, the Legislative Policy and Research Committee, [and] the Joint Committee on Ways and Means and the Legislative Committee on Accountability shall cause sound recordings of its hearings or meetings to be retained or, if not retained, to be delivered to the State Archivist. The archivist shall be official custodian of the sound recordings so delivered.

SECTION 11. ORS 244.050 is amended to read:

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

- (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.
- (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.
  - (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
  - (d) The Deputy Attorney General.
- (e) The Deputy Secretary of State.
- (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the

- 1 Legislative Accountability Director, the Secretary of the Senate and the Chief Clerk of the House
- 2 of Representatives.
- 3 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
- 4 versity listed in ORS 352.002.
- 5 (h) The following state officers:
- 6 (A) Adjutant General
- 7 (B) Director of Agriculture.
- 8 (C) Manager of State Accident Insurance Fund Corporation.
- 9 (D) Water Resources Director.
- 10 (E) Director of Department of Environmental Quality.
- 11 (F) Director of Oregon Department of Administrative Services.
- 12 (G) State Fish and Wildlife Director.
- 13 (H) State Forester.
- 14 (I) State Geologist.
- 15 (J) Director of Human Services.
- 16 (K) Director of the Department of Consumer and Business Services.
- 17 (L) Director of the Department of State Lands.
- 18 (M) State Librarian.
- 19 (N) Administrator of Oregon Liquor Control Commission.
- 20 (O) Superintendent of State Police.
- 21 (P) Director of the Public Employees Retirement System.
- 22 (Q) Director of Department of Revenue.
- 23 (R) Director of Transportation.
- 24 (S) Public Utility Commissioner.
- 25 (T) Director of Veterans' Affairs.
- 26 (U) Executive director of Oregon Government Ethics Commission.
- 27 (V) Director of the State Department of Energy.
- 28 (W) Director and each assistant director of the Oregon State Lottery.
- 29 (X) Director of the Department of Corrections.
- 30 (Y) Director of the Oregon Department of Aviation.
- 31 (Z) Executive director of the Oregon Criminal Justice Commission.
- 32 (AA) Director of the Oregon Business Development Department.
- 33 (BB) Director of the Office of Emergency Management.
- 34 (CC) Director of the Employment Department.
- 35 (DD) Chief of staff for the Governor.
- 36 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 37 (FF) Director of the Housing and Community Services Department.
- 38 (GG) State Court Administrator.
- 39 (HH) Director of the Department of Land Conservation and Development.
- 40 (II) Board chairperson of the Land Use Board of Appeals.
- 41 (JJ) State Marine Director.
- 42 (KK) Executive director of the Oregon Racing Commission.
- 43 (LL) State Parks and Recreation Director.
- 44 (MM) Public defense services executive director.
- 45 (NN) Chairperson of the Public Employees' Benefit Board.

- 1 (OO) Director of the Department of Public Safety Standards and Training.
- 2 (PP) Executive director of the Higher Education Coordinating Commission.
- 3 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 4 (RR) Director of the Oregon Youth Authority.
- 5 (SS) Director of the Oregon Health Authority.
- 6 (TT) Deputy Superintendent of Public Instruction.
- 7 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within 8 the Governor's office.
- 9 (j) Every elected city or county official.
- (k) Every member of a city or county planning, zoning or development commission.
- 11 (L) The chief executive officer of a city or county who performs the duties of manager or prin-12 cipal administrator of the city or county.
- 13 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- (n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.
- (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 17 (p) The chief administrative officer and the financial officer of each common and union high 18 school district, education service district and community college district.
- 19 (q) Every member of the following state boards and commissions:
- 20 (A) Board of Geologic and Mineral Industries.
- 21 (B) Oregon Business Development Commission.
- 22 (C) State Board of Education.
- 23 (D) Environmental Quality Commission.
- 24 (E) Fish and Wildlife Commission of the State of Oregon.
- 25 (F) State Board of Forestry.
- 26 (G) Oregon Government Ethics Commission.
- 27 (H) Oregon Health Policy Board.
- 28 (I) Oregon Investment Council.
- 29 (J) Land Conservation and Development Commission.
- 30 (K) Oregon Liquor Control Commission.
- 31 (L) Oregon Short Term Fund Board.
- 32 (M) State Marine Board.
- 33 (N) Mass transit district boards.
- 34 (O) Energy Facility Siting Council.
- 35 (P) Board of Commissioners of the Port of Portland.
- 36 (Q) Employment Relations Board.
- 37 (R) Public Employees Retirement Board.
- 38 (S) Oregon Racing Commission.
- 39 (T) Oregon Transportation Commission.
- 40 (U) Water Resources Commission.
- 41 (V) Workers' Compensation Board.
- 42 (W) Oregon Facilities Authority.
- 43 (X) Oregon State Lottery Commission.
- 44 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 45 (Z) Columbia River Gorge Commission.

- 1 (AA) Oregon Health and Science University Board of Directors.
- 2 (BB) Capitol Planning Commission.
- 3 (CC) Higher Education Coordinating Commission.
- 4 (DD) Oregon Growth Board.
- 5 (EE) Early Learning Council.
- (r) The following officers of the State Treasurer:
- 7 (A) Deputy State Treasurer.

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- (B) Chief of staff for the office of the State Treasurer.
- 9 (C) Director of the Investment Division.
- 10 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 11 or 777.915 to 777.953.
  - (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
  - (u) Every member of a governing board of a public university listed in ORS 352.002.
- 14 (v) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.
  - (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
  - (3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
  - (4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
  - (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
  - (6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.
  - **SECTION 12.** ORS 244.050, as amended by section 10, chapter 88, Oregon Laws 2016, is amended to read:
  - 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon Government Ethics Commission a verified statement of economic interest as required under this chapter:
  - (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, district attorneys and members of the Legislative Assembly.
  - (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem judicial officer who does not otherwise serve as a judicial officer.

- 1 (c) Any candidate for a public office designated in paragraph (a) or (b) of this subsection.
- 2 (d) The Deputy Attorney General.
- 3 (e) The Deputy Secretary of State.
- 4 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
- 5 Legislative Policy and Research Director, the Legislative Accountability Director, the Secretary
- 6 of the Senate and the Chief Clerk of the House of Representatives.
- 7 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
- 8 versity listed in ORS 352.002.
- 9 (h) The following state officers:
- 10 (A) Adjutant General.
- 11 (B) Director of Agriculture.
- 12 (C) Manager of State Accident Insurance Fund Corporation.
- 13 (D) Water Resources Director.
- 14 (E) Director of Department of Environmental Quality.
- 15 (F) Director of Oregon Department of Administrative Services.
- 16 (G) State Fish and Wildlife Director.
- 17 (H) State Forester.
- 18 (I) State Geologist.
- 19 (J) Director of Human Services.
- 20 (K) Director of the Department of Consumer and Business Services.
- 21 (L) Director of the Department of State Lands.
- 22 (M) State Librarian.
- 23 (N) Administrator of Oregon Liquor Control Commission.
- 24 (O) Superintendent of State Police.
- 25 (P) Director of the Public Employees Retirement System.
- 26 (Q) Director of Department of Revenue.
- 27 (R) Director of Transportation.
- 28 (S) Public Utility Commissioner.
- 29 (T) Director of Veterans' Affairs.
- 30 (U) Executive director of Oregon Government Ethics Commission.
- 31 (V) Director of the State Department of Energy.
- 32 (W) Director and each assistant director of the Oregon State Lottery.
- 33 (X) Director of the Department of Corrections.
- 34 (Y) Director of the Oregon Department of Aviation.
- 35 (Z) Executive director of the Oregon Criminal Justice Commission.
- 36 (AA) Director of the Oregon Business Development Department.
- 37 (BB) Director of the Office of Emergency Management.
- 38 (CC) Director of the Employment Department.
- 39 (DD) Chief of staff for the Governor.
- 40 (EE) Administrator of the Office for Oregon Health Policy and Research.
- 41 (FF) Director of the Housing and Community Services Department.
- 42 (GG) State Court Administrator.
- 43 (HH) Director of the Department of Land Conservation and Development.
- 44 (II) Board chairperson of the Land Use Board of Appeals.
- 45 (JJ) State Marine Director.

- 1 (KK) Executive director of the Oregon Racing Commission.
- 2 (LL) State Parks and Recreation Director.
- 3 (MM) Public defense services executive director.
- 4 (NN) Chairperson of the Public Employees' Benefit Board.
- 5 (OO) Director of the Department of Public Safety Standards and Training.
- 6 (PP) Executive director of the Higher Education Coordinating Commission.
- 7 (QQ) Executive director of the Oregon Watershed Enhancement Board.
- 8 (RR) Director of the Oregon Youth Authority.
- 9 (SS) Director of the Oregon Health Authority.
- 10 (TT) Deputy Superintendent of Public Instruction.
- 11 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within 12 the Governor's office.
- 13 (j) Every elected city or county official.
- 14 (k) Every member of a city or county planning, zoning or development commission.
- 15 (L) The chief executive officer of a city or county who performs the duties of manager or prin-16 cipal administrator of the city or county.
  - (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 18 (n) Every member of a governing body of a metropolitan service district and the auditor and executive officer thereof.
- 20 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- (p) The chief administrative officer and the financial officer of each common and union high school district, education service district and community college district.
- 23 (q) Every member of the following state boards and commissions:
- 24 (A) Board of Geologic and Mineral Industries.
- 25 (B) Oregon Business Development Commission.
- 26 (C) State Board of Education.

- 27 (D) Environmental Quality Commission.
- 28 (E) Fish and Wildlife Commission of the State of Oregon.
- 29 (F) State Board of Forestry.
- 30 (G) Oregon Government Ethics Commission.
- 31 (H) Oregon Health Policy Board.
- 32 (I) Oregon Investment Council.
- 33 (J) Land Conservation and Development Commission.
- 34 (K) Oregon Liquor Control Commission.
- 35 (L) Oregon Short Term Fund Board.
- 36 (M) State Marine Board.
- 37 (N) Mass transit district boards.
- 38 (O) Energy Facility Siting Council.
- 39 (P) Board of Commissioners of the Port of Portland.
- 40 (Q) Employment Relations Board.
- 41 (R) Public Employees Retirement Board.
- 42 (S) Oregon Racing Commission.
- 43 (T) Oregon Transportation Commission.
- 44 (U) Water Resources Commission.
- 45 (V) Workers' Compensation Board.

- 1 (W) Oregon Facilities Authority.
- 2 (X) Oregon State Lottery Commission.
- 3 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 4 (Z) Columbia River Gorge Commission.
- 5 (AA) Oregon Health and Science University Board of Directors.
- B (BB) Capitol Planning Commission.
- 7 (CC) Higher Education Coordinating Commission.
- 8 (DD) Oregon Growth Board.
- 9 (EE) Early Learning Council.
- 10 (r) The following officers of the State Treasurer:
- 11 (A) Deputy State Treasurer.
- 12 (B) Chief of staff for the office of the State Treasurer.
- 13 (C) Director of the Investment Division.
- 14 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 15 or 777.915 to 777.953.
  - (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
  - (u) Every member of a governing board of a public university listed in ORS 352.002.
  - (v) Every member of the board of directors of an authority created under ORS 465.600 to 465.621.
    - (2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the Oregon Government Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
    - (3) By April 15 next after the filing deadline for the primary election, each candidate described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
    - (4) Within 30 days after the filing deadline for the general election, each candidate described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for public office described in subsection (1) of this section at the preceding primary election by write-in votes, shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
    - (5) Subsections (1) to (4) of this section apply only to persons who are incumbent, elected or appointed public officials as of April 15 and to persons who are candidates on April 15. Subsections (1) to (4) of this section also apply to persons who do not become candidates until 30 days after the filing deadline for the statewide general election.
    - (6) If a statement required to be filed under this section has not been received by the commission within five days after the date the statement is due, the commission shall notify the public official or candidate and give the public official or candidate not less than 15 days to comply with the requirements of this section. If the public official or candidate fails to comply by the date set by the commission, the commission may impose a civil penalty as provided in ORS 244.350.

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