

Senate Bill 881

Sponsored by Senator BOQUIST

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**.

Requires members of Legislative Assembly who are also employed by public bodies, federal government or other employer who receives public funds to take leave without pay from employer for days Legislative Assembly is in session or interim days for which per diem is paid. Authorizes investigation to determine compliance with pay requirements. Provides remedies for noncompliance.

Establishes crime of abuse of legislative office. Provides that member of Legislative Assembly commits crime if three determinations of noncompliance with pay requirements have been made. Provides that crime of abuse of legislative office results in automatic removal from office upon conviction. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.

Becomes operative January 1, 2021.

Modifies contents required to be reported on statement of economic interest for years beginning on or after January 1, 2020.

A BILL FOR AN ACT

1
2 Relating to legislator compensation; creating new provisions; and amending ORS 244.060.

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

4 **SECTION 1. (1) A member of the Legislative Assembly shall request leave without pay**
5 **from an employer with whom the member is employed, for each day in which the Legislative**
6 **Assembly is in session, including an organizational session, and for each interim day for**
7 **which the member is eligible to receive per diem under ORS 171.072, if the employer is:**

8 (a) **A public body, as defined in ORS 174.109;**

9 (b) **The federal government; or**

10 (c) **Any other employer that receives public moneys from a public body or the federal**
11 **government.**

12 (2) **An employer described in subsection (1)(a) or (c) of this section shall grant a request**
13 **for leave without pay sought by a member of the Legislative Assembly under subsection (1)**
14 **of this section. The federal government is hereby requested to grant leave without pay to a**
15 **member of the Legislative Assembly who seeks leave as described in subsection (1) of this**
16 **section.**

17 (3) **Any person may request an investigation to determine compliance with subsections**
18 **(1) and (2) of this section. The investigation shall be performed by:**

19 (a) **The Legislative Assembly;**

20 (b) **The Secretary of State; or**

21 (c) **The Oregon Government Ethics Commission.**

22 (4) **Any person may bring a special proceeding in circuit court to determine a member's**
23 **compliance with this section.**

24 (5) **The entities described in subsection (3) or (4) of this section shall have subpoena**
25 **power to determine compliance with subsections (1) and (2) of this section.**

26 (6) **If an entity described in subsection (3) or (4) of this section determines that a member**

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 of the Legislative Assembly and the member's employer did not comply with subsections (1)
2 and (2) of this section, the entity shall give notice of its determination to the Legislative
3 Administrator. If:

4 (a) The determination is the first violation of subsections (1) and (2) of this section, the
5 Legislative Administrator shall recover legislative salary and other compensation paid under
6 ORS 171.072, including per diem, for each day that the member received compensation and
7 per diem under ORS 171.072 and compensation from an employer described in subsection (1)
8 of this section.

9 (b) The determination is the second violation of subsections (1) and (2) of this section,
10 the Legislative Administrator shall recover twice the amount of legislative salary and other
11 compensation paid under ORS 171.072, including per diem, for each day that the member re-
12 ceived salary, compensation and per diem under ORS 171.072 and compensation from an
13 employer described in subsection (1) of this section.

14 (c) The determination is the third violation of subsections (1) and (2) of this section, the
15 Legislative Administrator shall forward the determination to the district attorney for each
16 county within which the member's district is located and to the Attorney General for further
17 proceedings under section 3 of this 2019 Act.

18 **SECTION 2.** (1) A member of the Legislative Assembly commits the crime of abuse of
19 legislative office upon three separate occasions having an entity described in section 1 (3) or
20 (4) of this 2019 Act determine that the member had received salary, other compensation or
21 per diem under ORS 171.072 for a day of legislative service for which the member also re-
22 ceived compensation from an employer described in section 1 (1) of this 2019 Act.

23 (2) Abuse of legislative office is a Class C felony and the member is subject to Article IV,
24 section 8 (3) to (5), of the Oregon Constitution.

25 **SECTION 3.** Upon receiving notice of a determination of a third violation under section
26 1 of this 2019 Act, a district attorney or the Attorney General shall promptly commence a
27 prosecution under section 2 of this 2019 Act if the district attorney or Attorney General de-
28 termines that such a prosecution is supported by probable cause.

29 **SECTION 4.** ORS 244.060 is amended to read:

30 244.060. The statement of economic interest filed under ORS 244.050 shall be on a form pre-
31 scribed by the Oregon Government Ethics Commission. The public official or candidate filing the
32 statement shall supply the information required by this section and ORS 244.090, as follows:

33 (1) The names of all positions as officer of a business and business directorships held by the
34 public official or candidate or a member of the household of the public official or candidate during
35 the preceding calendar year, and the principal address and a brief description of each business.

36 (2) All names under which the public official or candidate and members of the household of the
37 public official or candidate do business and the principal address and a brief description of each
38 business.

39 (3) The names, principal addresses and brief descriptions of the sources of income received
40 during the preceding calendar year by the public official or candidate or a member of the household
41 of the public official or candidate that produce 10 percent or more of the total annual household
42 income.

43 (4)(a) A list of all real property in which the public official or candidate or a member of the
44 household of the public official or candidate has or has had any personal, beneficial ownership in-
45 terest during the preceding calendar year, any options to purchase or sell real property, including

1 a land sales contract, and any other rights of any kind in real property located within the ge-
2 ographic boundaries of the governmental agency of which the public official holds, or the candidate
3 if elected would hold, an official position or over which the public official exercises, or the candidate
4 if elected would exercise, any authority.

5 (b) This subsection does not require the listing of the principal residence of the public official
6 or candidate.

7 (5) All expenses with an aggregate value exceeding \$50 received by the public official during the
8 preceding calendar year when participating in a convention, mission, trip or other meeting described
9 in ORS 244.020 (7)(b)(F), including the name and address of the organization, unit of government,
10 tribe or corporation paying the expenses, the nature of the event and the date and amount of the
11 expense.

12 (6) All expenses with an aggregate value exceeding \$50 received by the public official during the
13 preceding calendar year when participating in a mission, negotiations or economic development ac-
14 tivities described in ORS 244.020 (7)(b)(H), including the name and address of the person paying the
15 expenses, the nature of the event and the date and amount of the expenditure.

16 (7) All honoraria and other items allowed under ORS 244.042 with a value exceeding \$15 that
17 are received by the public official, candidate or member of the household of the public official or
18 candidate during the preceding calendar year, the provider of each honorarium or item and the date
19 and time of the event for which the honorarium or item was received.

20 (8) The name, principal address and brief description of each source of income exceeding an
21 aggregate amount of \$1,000, whether or not taxable, received by the public official or candidate, or
22 a member of the household of the public official or candidate, during the preceding calendar year,
23 if the source of that income is derived from an individual or business that has a legislative or ad-
24 ministrative interest or that has been doing business, does business or could reasonably be expected
25 to do business with the governmental agency of which the public official holds, or the candidate if
26 elected would hold, an official position or over which the public official exercises, or the candidate
27 if elected would exercise, any authority.

28 **(9) If the public official is a member of the Legislative Assembly, the names of all em-**
29 **ployers of the public official who are described in section 1 of this 2019 Act and the dates of**
30 **all periods of leave without pay claimed by the member for purposes of compliance with**
31 **section 1 of this 2019 Act. The member shall maintain documentation of periods of leave**
32 **without pay from the employer that is sufficient for an entity described in section 1 (3) or**
33 **(4) of this 2019 Act to determine compliance with section 1 of this 2019 Act.**

34 **SECTION 5. Sections 1 to 3 of this 2019 Act become operative on January 1, 2021.**

35 **SECTION 6. The amendments to ORS 244.060 by section 4 of this 2019 Act apply to**
36 **statements of economic interest filed for calendar years beginning on or after January 1,**
37 **2020.**

38