

Senate Bill 865

Sponsored by Senators FINDLEY, HANSELL (at the request of Malheur, Baker and Morrow Counties Republican Executive Committees)

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 from simultaneously serving as holder of state office and as officer of state central committee of political party. Establishes fine of up to \$250 per day for violation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to positions outside of government simultaneously held by public officials; creating new
3 provisions; amending ORS 244.350; and declaring an emergency.

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

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 244.**

6 **SECTION 2. (1) A person may not simultaneously hold a state office and serve as an of-**
7 **ficer of a state central committee as described in ORS 248.072.**

8 **(2) As used in this section, "state office" means the office of Governor, Secretary of**
9 **State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Indus-**
10 **tries, state Senator, state Representative, judge of the Supreme Court or judge of the Court**
11 **of Appeals.**

12 **SECTION 3. ORS 244.350 is amended to read:**

13 244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-
14 ceed:

15 (a) Except as provided in paragraphs (b)[, (c) and (d)] **to (e)** of this subsection, \$5,000 for vio-
16 lation of any provision of this chapter or any resolution adopted under ORS 244.160.

17 (b) \$25,000 for violation of ORS 244.045.

18 (c) \$10,000 for willfully violating ORS 244.040.

19 (d) Two times the amount of the penalty provision for violating a nondisclosure agreement that
20 is contained within each nondisclosure agreement entered into in violation of ORS 244.049.

21 **(e) \$250 for each calendar day a person is in violation of section 2 of this 2021 Act.**

22 (2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil
23 penalties not to exceed \$1,000 for violation of any provision of ORS 192.660.

24 (b) A civil penalty may not be imposed under this subsection if the violation occurred as a result
25 of the governing body of the public body acting upon the advice of the public body's counsel.

26 (3) The commission may impose civil penalties not to exceed \$250 for violation of ORS 293.708.
27 A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that
28 may be imposed under subsection (1) of this section.

29 (4)(a) The commission may impose civil penalties on a person who fails to file the statement
30 required under ORS 244.050 or 244.217. In enforcing this subsection, the commission is not required

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 to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 or 244.217
2 has occurred.

3 (b) Failure to file the required statement in timely fashion is prima facie evidence of a violation
4 of ORS 244.050 or 244.217.

5 (c) The commission may impose a civil penalty of \$10 for each of the first 14 days the statement
6 is late beyond the date set by law, or by the commission under ORS 244.050, and \$50 for each day
7 thereafter. The maximum penalty that may be imposed under this subsection is \$5,000.

8 (5) In lieu of or in conjunction with finding a violation of law or any resolution or imposing a
9 civil penalty under this section, the commission may issue a written letter of reprimand, explanation
10 or education.

11 **SECTION 4. Section 2 of this 2021 Act and the amendments to ORS 244.350 by section 3**
12 **of this 2021 Act first apply to any person who simultaneously holds a state office and serves**
13 **as an officer of a state central committee seven calendar days after the effective date of this**
14 **2021 Act.**

15 **SECTION 5. This 2021 Act being necessary for the immediate preservation of the public**
16 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
17 **on its passage.**

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