

# House Bill 2038

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

## 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 statement of economic interest to include certain information about sources of income for business in which public official or candidate, or member of household of public official or candidate, is officer, holds directorship or does business under if source of income has legislative or administrative interest and 10 percent or more of total gross annual income of business comes from that source of income.

Prohibits candidate or principal campaign committee of candidate from expending campaign moneys for professional services rendered by certain businesses required to be listed on candidate's statement of economic interest. Creates exceptions.

## A BILL FOR AN ACT

1  
2 Relating to statements of economic interest; creating new provisions; and amending ORS 244.060 and  
3 260.409.

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

5 **SECTION 1.** ORS 244.060 is amended to read:

6 244.060. The statement of economic interest filed under ORS 244.050 shall be on a form pre-  
7 scribed by the Oregon Government Ethics Commission. The public official or candidate filing the  
8 statement shall supply the information required by this section and ORS 244.090, as follows:

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

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

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

19 (4)(a) A list of all real property in which the public official or candidate or a member of the  
20 household of the public official or candidate has or has had any personal, beneficial ownership in-  
21 terest during the preceding calendar year, any options to purchase or sell real property, including  
22 a land sales contract, and any other rights of any kind in real property located within the ge-  
23 ographic boundaries of the governmental agency of which the public official holds, or the candidate  
24 if elected would hold, an official position or over which the public official exercises, or the candidate  
25 if elected would exercise, any authority.

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

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

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

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

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

22 **(9)(a) Except as provided in paragraph (b) of this subsection, the name, principal address**  
 23 **and brief description of each source of income received during the preceding calendar year**  
 24 **by a business identified under subsections (1) and (2) of this section if:**

25 **(A) The source of income has a legislative or administrative interest or has been doing**  
 26 **business, does business or could reasonably be expected to do business with the govern-**  
 27 **mental agency of which the public official holds, or the candidate if elected would hold, an**  
 28 **official position or over which the public official exercises, or the candidate if elected would**  
 29 **exercise, any authority; and**

30 **(B) Ten percent or more of the total gross annual income of the business identified under**  
 31 **subsections (1) and (2) of this section comes from the source of income.**

32 **(b)(A) This subsection does not require the public official or candidate filing the state-**  
 33 **ment to supply information that the public official or candidate has a statutory duty to keep**  
 34 **privileged or confidential if the public official or candidate complies with the procedure set**  
 35 **forth in subparagraph (B) of this paragraph.**

36 **(B) If the public official or candidate has a statutory duty to keep privileged or confi-**  
 37 **dential information otherwise required to be disclosed under this subsection, the public offi-**  
 38 **cial or candidate shall:**

39 **(i) Make a formal request to each source of income for which the statutory duty exists,**  
 40 **asking if the public official or candidate has the permission of the source of income to make**  
 41 **the disclosure required under this subsection;**

42 **(ii) File a signed statement with the commission stating that the public official or can-**  
 43 **didate has made the formal request described in sub-subparagraph (i) of this subparagraph;**  
 44 **and**

45 **(iii) Report each source of income that responds in the affirmative to the request made**

1 under sub-subparagraph (i) of this subparagraph within 10 business days of receiving the  
2 request.

3 (c) A public official or candidate shall be deemed to be in compliance with supplying the  
4 information required under this subsection if the public official or candidate:

5 (A) Accurately submits the information required under this subsection; or

6 (B)(i) Makes a formal request to each source of income that provided 10 percent or more  
7 of the total gross annual income of the business identified under subsections (1) and (2) of  
8 this section, asking if that source of income has a legislative or administrative interest or  
9 has been doing business, does business or could reasonably be expected to do business with  
10 the governmental agency of which the public official holds, or the candidate if elected would  
11 hold, an official position or over which the public official exercises, or the candidate if elected  
12 would exercise, any authority; and

13 (ii) Reports each source of income that responds in the affirmative to the request made  
14 under sub-subparagraph (i) of this subparagraph.

15 **SECTION 2.** ORS 260.409 is amended to read:

16 260.409. (1) Except as provided in subsection (2) of this section, a candidate or principal  
17 campaign committee of a candidate may not use amounts received as contributions by the candidate  
18 or committee to make an expenditure to or on behalf of:

19 (a) The candidate in consideration for the rendering of professional services by the  
20 candidate[.]; or

21 (b) A business identified on the candidate's statement of economic interest that is re-  
22 quired to be listed under ORS 244.060 (1) or (2), in consideration for the rendering of profes-  
23 sional services by the business.

24 (2) The prohibition set forth in subsection (1)(b) of this section does not apply to an ex-  
25 penditure made by the candidate or committee to:

26 (a) A public body;

27 (b) A federal agency;

28 (c) A public utility;

29 (d) A broadcasting station, newspaper, magazine or other regularly published news pub-  
30 lication;

31 (e) A telecommunications service provider; or

32 (f) An Internet service provider that has a market share of greater than 50 percent in  
33 the area in which the Internet service is purchased.

34 (3) The Secretary of State may adopt rules necessary to implement this section.

35 **SECTION 3.** The amendments to ORS 244.060 and 260.409 by sections 1 and 2 of this 2023  
36 Act apply to expenditures made by a candidate or principal campaign committee of a candi-  
37 date, and to statements of economic interest filed, on or after the effective date of this 2023  
38 Act.