

# Senate Bill 1999

Sponsored by Senators LINTHICUM, SMITH DB; Senator MANNING JR, Representatives CONRAD, DIEHL, GOODWIN, HUDSON, KROPF

## 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act makes a task force to stop gun violence and suicide. The Act provides money for research on gun violence and suicide. (Flesch Readability Score: 77.4).

Directs Oregon Government Standards and Practices Commission to charge public bodies amount based on number of public officials serving public body for purposes of funding activities of commission.

Requires quarterly online filing of expenditure statements by lobbyists and persons on whose behalf lobbyist was registered. Directs commission to allow public access to statements using Internet.

Increases amount of civil penalties that may be imposed for violation of lobbying or government ethics law from \$1,000 to \$5,000. Prohibits candidate from using political contributions to pay criminal or civil penalties. Exempts civil penalties imposed under election laws.

Prohibits former member of Legislative Assembly from being compensated lobbyist during period beginning on date person ceases being member and ending on date of adjournment sine die of next regular legislative session.

Prohibits public official from receiving in calendar year gifts with value exceeding \$50 from source with legislative or administrative interest.

Allows public official to receive items exempted from definition of gift from person with legislative or administrative interest. Allows public official to receive gift from source that does not have legislative or administrative interest in governmental agency in which official has official position.

Modifies required contents of statement of economic interest.

Requires public officials and candidates to file quarterly statements with commission listing gifts with value exceeding \$15 received from person with legislative or administrative interest, expenses received when participating in an official meeting, honoraria exceeding \$15 and each source of income exceeding aggregate amount of \$1,000 from source that does business with or has legislative or administrative interest in governmental agency served by public official or candidate.

Requires person with legislative or administrative interest who gives gift with value exceeding \$15 to public official, pays expenses of official meeting or provides honoraria to report to commission and to notify recipient of value. Sets schedule for filing reports. Prescribes content of reports.

Prohibits public officials and candidates for public office from receiving honoraria in connection with official duties. Exempts honoraria or other items with value of \$50 or less.

Authorizes public official to establish legal expense trust fund to defray legal expenses incurred by public official in defending public official in legal proceeding relating to or arising from status of person as public official. Requires approval by Oregon Government Standards and Practices Commission.

Prohibits personal use of legal expense trust fund proceeds. Prohibits public official from soliciting contributions to trust fund. Directs trustee of trust fund to file with commission quarterly reports of contributions received and expenditures made.

Declares emergency, effective on passage.

## 1 A BILL FOR AN ACT

2 Relating to government ethics; creating new provisions; amending ORS 171.745, 171.750, 171.772,  
3 171.992, 244.020, 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.280, 244.290, 244.350,  
4 244.360, 260.407, 260.995, 293.708, 351.067 and 353.270; and declaring an emergency.

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

## 6 7 COMMISSION FUNDING

8  
9 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 244.**

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.

**SECTION 2.** (1) The Oregon Government Standards and Practices Commission shall estimate in advance the expenses that it will incur during the biennium in carrying out the provisions of ORS 171.725 to 171.785 and 171.992 and ORS chapter 244.

(2) The commission shall charge each public body as defined in ORS 174.109 for the public body's share of the expenses described in subsection (1) of this section for the biennium. The commission shall set the charges at a rate that is not less than \$\_\_\_\_ and not more than \$\_\_\_\_ per public official serving the public body against which the fee is charged. The commission shall charge each public body the same rate.

(3) Each public body shall pay to the credit of the commission the charge described in this section as an administrative expense from funds or appropriations available to it in the same manner as other claims against the public body are paid.

(4) All moneys received by the commission under this section shall be credited to the Oregon Government Standards and Practices Commission Account established under ORS 244.345.

(5) The commission shall adopt rules specifying the methods for calculating and collecting the charges described in this section.

(6) Beginning on July 1, 2011, the commission shall adjust the dollar range specified in subsection (2) of this section annually based upon the change in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items, as published by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The commission shall round the amount determined under this subsection to the nearest dollar.

(7) Notwithstanding ORS 244.020 (13), as used in this section, "public official" means any person who, on the date the commission charges the public body under this section, is serving the public body as an officer, employee, agent or otherwise, irrespective of whether the person is compensated for the services.

**SECTION 3.** The Oregon Government Standards and Practices Commission shall first impose charges under section 2 of this 2007 Act for the biennium beginning July 1, 2009.

## **REPORTING REQUIREMENTS**

**SECTION 4.** Section 5 of this 2007 Act is added to and made a part of ORS 171.725 to 171.785.

**SECTION 5.** Statements required to be filed with the Oregon Government Standards and Practices Commission under ORS 171.745 and 171.750 shall be filed in each calendar year:

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

(4) Not later than January 7 of the following calendar year, for the accounting period beginning October 1 and ending December 31.

**SECTION 6.** ORS 171.745 is amended to read:

171.745. (1) A lobbyist registered with the Oregon Government Standards and Practices Com-

1 mission or required to register with the commission shall, [on January 31 and July 31, of each  
 2 even-numbered year, and on January 31, April 30 and July 31 of each odd-numbered year] **according**  
 3 **to the schedule described in section 5 of this 2007 Act**, file with the commission a statement  
 4 showing **for the applicable reporting period**:

5 (a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying [*in the*  
 6 *preceding reporting period*] for:

- 7 (A) Food, refreshments and entertainment;
- 8 (B) Printing, postage and telephone;
- 9 (C) Advertising, public relations, education and research; and
- 10 (D) Miscellaneous; and

11 (b) The name of any legislative or executive official to whom or for whose benefit, on any one  
 12 occasion, an expenditure in excess of \$25 is made for the purposes of lobbying, and the date, name  
 13 of payee, purpose and amount of that expenditure.

14 (2) Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section  
 15 shall be adjusted annually by the commission based upon the change in the Portland Consumer Price  
 16 Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the  
 17 United States Department of Labor or its successor during the preceding 12-month period. The  
 18 amount determined under this subsection shall be rounded to the nearest dollar.

19 (3) Statements required by this section need not include amounts expended by the lobbyist for  
 20 personal living and travel expenses and office overhead, including salaries and wages paid for staff  
 21 and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to  
 22 be included in a statement is not accurately known at the time the statement is required to be filed,  
 23 an estimate of the expenditure shall be submitted in the statement and designated as an estimate.  
 24 The exact amount expended for which a previous estimate was made shall be submitted in a subse-  
 25 quent report when the information is available.

26 (4) Notwithstanding ORS 171.735, 171.740 and subsections (1) to (3) of this section, a registered  
 27 lobbyist, who engages in lobbying activities without compensation on behalf of an organization is  
 28 not required to register as a lobbyist for the organization as long as the lobbying activity does not  
 29 exceed the financial or time limits set in ORS 171.735 (4).

30 (5) A statement required by this section shall include a copy of any notice provided to a public  
 31 official under ORS 244.100 (3).

32 (6) For each statement required by this section, an entity comprised of more than one lobbyist  
 33 may file one statement that reports expenditures by the entity and not by individual lobbyists.

34 **SECTION 7.** ORS 171.750 is amended to read:

35 171.750. (1) Any person on whose behalf a lobbyist was registered, or was required to register,  
 36 with the Oregon Government Standards and Practices Commission at any time during the  
 37 [*preceding*] calendar year[,] shall file with the commission, [*by January 31st of each year*] **according**  
 38 **to the schedule described in section 5 of this 2007 Act**, a statement showing[,] for the [*preceding*  
 39 *calendar year*] **applicable reporting period**:

40 (a) The total amount of all moneys expended for lobbying activities on the person's behalf, ex-  
 41 cluding living and travel expenses incurred for a lobbyist performing lobbying services.

42 (b) The name of any legislative or executive official to whom or for whose benefit, on any one  
 43 occasion, an expenditure in excess of \$25 for the purpose of lobbying is made by the person, but not  
 44 including information previously reported in compliance with ORS 171.745, and the date, name of  
 45 payee, purpose and amount of that expenditure.

1       (2) Using July 1, 1979, as the base, the dollar amount specified in subsection (1)(b) of this section  
2 shall be adjusted annually by the commission based upon the change in the Portland Consumer Price  
3 Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the  
4 United States Department of Labor, or its successor, during the preceding 12-month period. The  
5 amount determined under this subsection shall be rounded to the nearest dollar.

6       (3) A statement required under subsection (1) of this section shall include a copy of any notice  
7 provided to a public official under ORS 244.100 (3).

8       **SECTION 8.** ORS 171.772 is amended to read:

9       171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government  
10 Standards and Practices Commission shall:

11       (1) Prescribe forms for registrations, statements and reports required to be filed by ORS 171.725  
12 to 171.785[,] and provide [*such*] **the** forms to persons required to register and to file [*such*] **the**  
13 statements and reports[;].

14       (2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS  
15 171.725 to 171.785[; *and*].

16       (3) Make registrations, statements and reports filed available for public inspection and copying  
17 during regular office hours, and make copying facilities available at a charge not to exceed actual  
18 cost.

19       **(4) Adopt by rule an electronic filing system under which statements required to be filed  
20 under ORS 171.745 and 171.750 must be filed with the commission in an electronic format.  
21 The commission may not charge a fee for filing a statement under this subsection.**

22       **(5) Provide training on procedures for filing statements under subsection (4) of this sec-  
23 tion.**

24       **(6) Make statements filed under ORS 171.745 and 171.750 available in a searchable format  
25 for review by the public using the Internet.**

26       **SECTION 9.** ORS 244.290 is amended to read:

27       244.290. (1) The Oregon Government Standards and Practices Commission shall:

28       [(1)] (a) Prescribe forms for statements required by this chapter and provide the forms to per-  
29 sons required to file the statements under this chapter or resolution adopted [*pursuant thereto*] un-  
30 **der this chapter.**

31       [(2)] (b) Prepare, publish and provide a manual setting forth recommended uniform methods of  
32 reporting for use by persons filing statements under this chapter or resolution adopted [*pursuant  
thereto*] **under this chapter.**

34       [(3)] (c) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
35 chapter.

36       [(4)] (d) Prepare and publish [*such*] **any** reports [*as*] the commission [*finds*] **determines are**  
37 necessary.

38       [(5)] (2) **The commission shall** adopt rules necessary to carry out its duties under ORS 171.725  
39 to 171.785 and 171.992 and this chapter, including rules to:

40       (a) Create a procedure under which items before the commission may be treated under a consent  
41 calendar and voted on as a single item;

42       (b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
43 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
44 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
45 the public disclosure;

(c) Establish an administrative process whereby a person subpoenaed by the commission may obtain a protective order; and

(d) List criteria and establish a process for the commission to use prosecutorial discretion to decide whether to proceed with an inquiry or investigation.

(3) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.100 must be filed, without a fee, with the commission in an electronic format.

## CIVIL PENALTIES

**SECTION 10.** ORS 171.992 is amended to read:

171.992. (1) Any person who violates any provision of ORS 171.740 to 171.762, or any rule adopted [*pursuant thereto*] **under ORS 171.725 to 171.785**, shall forfeit and pay to the General Fund **for each violation** a civil penalty [*for each violation*] of not more than [\$1,000] **\$5,000**, to be determined by the Oregon Government Standards and Practices Commission.

(2)(a) The commission may impose civil penalties upon a person who fails to file the statement required under ORS 171.745 or 171.750. The commission is not required to follow the procedures in ORS 171.778 before finding that a violation of ORS 171.745 or 171.750 has occurred.

(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 171.745 or 171.750.

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

[(2)] (3) [The] A civil penalty [referred to in subsection (1) of] imposed under this section may be recovered in an action brought [thereon] in the name of the State of Oregon in any court of appropriate jurisdiction or may be imposed as provided in ORS 183.745. In any proceedings before the court, including judicial review under ORS 183.745, the court may review the penalty as to both liability and reasonableness of amount.

**SECTION 11.** ORS 244.350 is amended to read:

244.350. (1) The Oregon Government Standards and Practices Commission or the court under  
ORS 244.260 (8) may impose civil penalties not to exceed:

(a) Except as provided in paragraph (b) of this subsection, [\$1,000] **\$5,000** for [*violating*] **violation of** any provision of this chapter or any resolution adopted under this chapter.

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

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

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

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

(4)(a) The commission may impose civil penalties upon a person who fails to file the statement required under ORS 244.050 or section 35 of this 2007 Act. The commission is not

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

3 (b) Failure to file the required statement in timely fashion is *prima facie* evidence of a  
 4 violation of ORS 244.050 or section 35 of this 2007 Act.

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

9 [(4)] (5) Any penalty imposed under this section is in addition to and not in lieu of any other  
 10 penalty or sanction that may be imposed according to law, including removal from office.

11 **SECTION 12.** ORS 244.360 is amended to read:

12 244.360. [*The Oregon Government Standards and Practices Commission, in addition to civil pen-*  
 13 *alties prescribed in ORS 244.350, may require any public official who has financially benefited the*  
 14 *public official or any other person by violation of any provision of this chapter to forfeit twice the*  
 15 *amount that the public official or any other person realized from violating any provision of this*  
 16 *chapter.] In addition to civil penalties imposed under ORS 244.350, if a public official has fi-*  
 17 *nancially benefited the public official or any other person by violating any provision of this*  
 18 *chapter, the Oregon Government Standards and Practices Commission may impose upon the*  
 19 *public official a civil penalty in an amount equal to twice the amount the public official or*  
 20 **other person realized as a result of the violation.**

21 **SECTION 13.** ORS 244.050 is amended to read:

22 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon  
 23 Government Standards and Practices Commission a verified statement of economic interest as re-  
 24 quired under this chapter:

25 (a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the  
 26 Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and mem-  
 27 bers of the Legislative Assembly.

28 (b) Any judicial officer, including justices of the peace and municipal judges, except municipal  
 29 judges in those cities where a majority of the votes cast in the subject city in the 1974 general  
 30 election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws  
 31 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a  
 32 judicial officer.

33 (c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

34 (d) The Deputy Attorney General.

35 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the  
 36 Secretary of the Senate and the Chief Clerk of the House of Representatives.

37 (f) The Chancellor and Vice Chancellors of the Oregon University System and the president and  
 38 vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the  
 39 State Board of Higher Education.

40 (g) The following state officers:

41 (A) Adjutant General.

42 (B) Director of Agriculture.

43 (C) Manager of State Accident Insurance Fund Corporation.

44 (D) Water Resources Director.

45 (E) Director of Department of Environmental Quality.

1 (F) Director of Oregon Department of Administrative Services.  
2 (G) State Fish and Wildlife Director.  
3 (H) State Forester.  
4 (I) State Geologist.  
5 (J) Director of Human Services.  
6 (K) Director of the Department of Consumer and Business Services.  
7 (L) Director of the Department of State Lands.  
8 (M) State Librarian.  
9 (N) Administrator of Oregon Liquor Control Commission.  
10 (O) Superintendent of State Police.  
11 (P) Director of the Public Employees Retirement System.  
12 (Q) Director of Department of Revenue.  
13 (R) Director of Transportation.  
14 (S) Public Utility Commissioner.  
15 (T) Director of Veterans' Affairs.  
16 (U) Executive Director of Oregon Government Standards and Practices Commission.  
17 (V) Director of the State Department of Energy.  
18 (W) Director and each assistant director of the Oregon State Lottery.  
19 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.  
20 (i) Every elected city or county official except elected officials in those cities or counties where  
21 a majority of votes cast in the subject city or county in any election on the issue of filing statements  
22 of economic interest under this chapter was in opposition.  
23 (j) Every member of a city or county planning, zoning or development commission except such  
24 members in those cities or counties where a majority of votes cast in the subject city or county at  
25 any election on the issue of filing statements of economic interest under this chapter was in oppo-  
26 sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special ses-  
27 sion).  
28 (k) The chief executive officer of a city or county who performs the duties of manager or prin-  
29 cipal administrator of the city or county except such employees in those cities or counties where a  
30 majority of votes cast in the subject city or county in an election on the issue of filing statements  
31 of economic interest under this chapter was in opposition.  
32 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.  
33 (m) Every member of a governing body of a metropolitan service district and the executive of-  
34 ficer thereof.  
35 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.  
36 (o) The chief administrative officer and the financial officer of each common and union high  
37 school district, education service district and community college district.  
38 (p) Every member of the following state boards and commissions:  
39 (A) Board of Geologic and Mineral Industries.  
40 (B) Oregon Economic and Community Development Commission.  
41 (C) State Board of Education.  
42 (D) Environmental Quality Commission.  
43 (E) Fish and Wildlife Commission of the State of Oregon.  
44 (F) State Board of Forestry.  
45 (G) Oregon Government Standards and Practices Commission.

1       (H) Oregon Health Policy Commission.  
2       (I) State Board of Higher Education.  
3       (J) Oregon Investment Council.  
4       (K) Land Conservation and Development Commission.  
5       (L) Oregon Liquor Control Commission.  
6       (M) Oregon Short Term Fund Board.  
7       (N) State Marine Board.  
8       (O) Mass transit district boards.  
9       (P) Energy Facility Siting Council.  
10      (Q) Board of Commissioners of the Port of Portland.  
11      (R) Employment Relations Board.  
12      (S) Public Employees Retirement Board.  
13      (T) Oregon Racing Commission.  
14      (U) Oregon Transportation Commission.  
15      (V) Wage and Hour Commission.  
16      (W) Water Resources Commission.  
17      (X) Workers' Compensation Board.  
18      (Y) Oregon Facilities Authority.  
19      (Z) Oregon State Lottery Commission.  
20      (AA) Pacific Northwest Electric Power and Conservation Planning Council.  
21      (BB) Columbia River Gorge Commission.  
22      (CC) Oregon Health and Science University Board of Directors.  
23      (q) The following officers of the State Treasury:  
24       (A) Chief Deputy State Treasurer.  
25       (B) Executive Assistant to the State Treasurer.  
26       (C) Director of the Investment Division.  
27      (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725  
28      and 777.915 to 777.953.  
29      (2) By April 15 next after the date an appointment takes effect, every appointed public official  
30      on a board or commission listed in subsection (1) of this section shall file with the commission a  
31      statement of economic interest as required under ORS 244.060, 244.070 and 244.090.  
32      (3) By April 15 next after the filing deadline for the primary election, each candidate for  
33      [elective] public office described in subsection (1) of this section shall file with the commission a  
34      statement of economic interest as required under ORS 244.060, 244.070 and 244.090.  
35      (4) Within 30 days after the filing deadline for the general election, each candidate for  
36      [elective] public office described in subsection (1) of this section who was not a candidate in the  
37      preceding primary election, or who was nominated for [elective] public office described in subsection  
38      (1) of this section at the preceding primary election by write-in votes, shall file with the commission  
39      a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.  
40      [(5) *The Legislative Assembly shall maintain a continuing review of the operation of this*  
41      *chapter.*]  
42      [(6)] (5) Subsections (1) to [(5)] (4) of this section apply only to persons who are incumbent,  
43      elected or appointed officials as of April 15 and to persons who are candidates for office on April  
44      15. Those [sections] **subsections** also apply to persons who do not become candidates until 30 days  
45      after the filing deadline for the statewide general election.

1        [(7)(a)] **(6)** [Failure to file the statement required by this section subjects a person to a civil penalty  
 2 that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not re-  
 3 quire the Oregon Government Standards and Practices Commission to follow the procedures in ORS  
 4 244.260 before finding that a violation of this section has occurred.]

5        [(b) Failure to file the required statement in timely fashion shall be *prima facie* evidence of a vio-  
 6 lation of this section.]

7        [(c) If within five days after the date on which the statement is to be filed under this section the  
 8 statement has not been received by the commission,] **If a statement required to be filed under this  
 9 section has not been received by the commission within five days after the date the state-  
 10 ment is due**, the commission shall notify the public official **or candidate** and give the public official  
 11 **or candidate** not less than 15 days to comply with the requirements of this section. If the public  
 12 official **or candidate** fails to comply by the date set by the commission, the commission may impose  
 13 a civil penalty [of \$5 for each day the statement is late beyond the date fixed by the commission. The  
 14 maximum penalty that may be accrued under this section is \$1,000] **as provided in ORS 244.350**.

15       [(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that  
 16 may be imposed under ORS 244.380.]

17       **SECTION 14.** ORS 260.407 is amended to read:

18       260.407. (1) Except as provided in subsection (2) of this section, amounts received as contribu-  
 19 tions by a candidate or the principal campaign committee of a candidate for public office that are  
 20 in excess of any amount necessary to defray campaign expenditures and any other funds donated to  
 21 a holder of public office may be:

22       (a) Used to defray any expenses incurred in connection with the recipient's duties as a holder  
 23 of public office;  
 24       (b) Transferred to any national, state or local political committee of any political party;  
 25       (c) Contributed to any organization described in section 170(c) of Title 26 of the United States  
 26 Code or to any charitable corporation defined in ORS 128.620; or  
 27       (d) Used for any other lawful purpose.

28       (2) Notwithstanding subsection (1) of this section, amounts received as contributions by a can-  
 29 didate for public office that are in excess of any amount necessary to defray campaign expenditures  
 30 and other funds donated to a holder of public office [*shall*] **may** not be:

31       (a) Converted by any person to any personal use other than to defray any expenses incurred in  
 32 connection with the person's duties as a holder of public office or to repay to a candidate any loan  
 33 the proceeds of which were used in connection with the candidate's campaign; **or**  
 34       (b) **Except as provided in this paragraph, used to pay any money award as defined in ORS  
 35 18.005 included as part of a judgment in a civil or criminal action or any civil penalty imposed  
 36 by an agency as defined in ORS 183.310 or by a local government as defined in ORS 174.116.  
 37 Contributions described in this subsection may be used to pay a civil penalty imposed under  
 38 ORS chapter 260.**

39       (3) As used in this section:

40       (a) "Funds donated" means all funds, including but not limited to gifts, loans, advances, credits  
 41 or deposits of money that are donated for the purpose of supporting the activities of a holder of  
 42 public office. "Funds donated" does not mean funds appropriated by the Legislative Assembly or  
 43 another similar public appropriating body or personal funds of the office holder donated to an ac-  
 44 count containing only those personal funds.

45       (b) "Public office" does not include national or political party office.

1        **SECTION 14a.** ORS 260.995 is amended to read:

2        260.995. (1) Except as provided in subsection (2) of this section, following an investigation under  
 3        ORS 260.345, the Secretary of State or Attorney General may impose a civil penalty not to exceed  
 4        \$250 for each violation of any provision of Oregon Revised Statutes relating to the conduct of any  
 5        election, any rule adopted by the secretary under ORS chapters 246 to 260 or any other matter  
 6        preliminary to or relating to an election, for which no penalty is otherwise provided.

7        (2) The secretary or the Attorney General may impose a civil penalty not to exceed:

8            (a) \$1,000 for each violation of ORS 251.049 (3) or 251.405 (3); or  
 9            (b) \$1,000 plus the amount converted to personal use for each violation of ORS 260.407.

10        (3) Except as otherwise provided by this section, civil penalties under this section shall be im-  
 11        posed as provided in ORS 183.745. In addition to the requirements of ORS 183.745, the notice shall  
 12        include:

13            (a) A statement of the authority and jurisdiction under which the hearing is to be held; and  
 14            (b) If the person is an agency, corporation or an unincorporated association, a statement that  
 15        such person must be represented by an attorney licensed in Oregon, unless the person is a political  
 16        committee which may be represented by any officer identified in the most recent statement of or-  
 17        ganization filed with the filing officer.

18        (4) A hearing on whether to impose a civil penalty and to consider circumstances in mitigation  
 19        shall be held by the secretary or Attorney General:

20            (a) Upon request of the person against whom the penalty may be assessed, if the request is made  
 21        not later than the 20th day after the date the person received notice sent under subsection (3) of  
 22        this section; or

23            (b) Upon the secretary's or Attorney General's own motion.

24        (5) The person against whom a penalty may be assessed need not appear in person at a hearing  
 25        held under this section, but instead may submit written testimony or other evidence, sworn to before  
 26        a notary public, to the secretary or Attorney General for entry in the hearing record. The testimony  
 27        or other evidence must be received by the secretary or Attorney General not later than three  
 28        business days before the day of the hearing.

29        (6) All hearings under this section shall be held not later than 30 days after the deadline for the  
 30        person against whom the penalty may be assessed to request a hearing. However, if requested by  
 31        the person against whom the penalty may be assessed, a hearing under subsection (4) of this section  
 32        shall be held not later than 45 days after the deadline for the person against whom the penalty may  
 33        be assessed to request a hearing.

34        (7) The secretary or Attorney General shall issue an order not later than 90 days after a hearing  
 35        or after the deadline for requesting a hearing if no hearing is held.

36        (8) All penalties recovered under this section shall be paid into the State Treasury and credited  
 37        to the General Fund.

38        [(9) *In the case of a civil penalty imposed under this section for a violation of ORS 260.407, the*  
 39        *person against whom the penalty is assessed:*]

40            [(a) *Is personally responsible for the payment of the civil penalty;]*

41            [(b) *Shall pay the civil penalty from personal funds of the person; and]*

42            [(c) *May not pay the civil penalty from contributions received by a candidate or the principal*  
 43        *campaign committee of a candidate.]*

44        **SUBSEQUENT EMPLOYMENT**

1        **SECTION 15.** ORS 244.045 is amended to read:

2        244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Department of Consumer and Business Services, the Administrator of the Division of Finance and Corporate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor Control Commission or the Director of the Oregon State Lottery shall not:

6        (a) Within one year after the public official ceases to hold the position become an employee of or receive any financial gain, other than reimbursement of expenses, from any private employer engaged in the activity, occupation or industry over which the former public official had authority; or

10      (b) Within two years after the public official ceases to hold the position:

11      (A) Be a lobbyist for or appear as a representative before the agency over which the person exercised authority as a public official;

13      (B) Influence or try to influence the actions of the agency; or

14      (C) Disclose any confidential information gained as a public official.

15      (2) A person who has been a Deputy Attorney General or an assistant attorney general shall not, within two years after the person ceases to hold the position, lobby or appear before an agency that the person represented while employed by the Department of Justice.

18      (3) A person who has been the State Treasurer or the Chief Deputy State Treasurer shall not, within one year after ceasing to hold office:

20      (a) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract providing for payment by the state of at least \$25,000 in any single year during the term of office of the treasurer;

24      (b) Accept employment from or be retained by any private entity with whom the office of the State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in any single year during the term of office of the treasurer; or

27      (c) Be a lobbyist for an investment institution, manager or consultant, or appear before the office of the State Treasurer or Oregon Investment Council as a representative of an investment institution, manager or consultant.

30      (4) A public official who as part of the official's duties invested public funds shall not within two years after the public official ceases to hold the position:

32      (a) Be a lobbyist or appear as a representative before the agency, board or commission for which the former public official invested public funds;

34      (b) Influence or try to influence the agency, board or commission; or

35      (c) Disclose any confidential information gained as a public official.

36      (5)(a) A person who has been a member of the Department of State Police, who has held a position with the department with the responsibility for supervising, directing or administering programs relating to gaming by a Native American tribe or the Oregon State Lottery and who has been designated by the Superintendent of State Police by rule shall not, within one year after the member of the Department of State Police ceases to hold the position:

41      (A) Accept employment from or be retained by or receive any financial gain related to gaming from the Oregon State Lottery or any Native American tribe;

43      (B) Accept employment from or be retained by or receive any financial gain from any private employer selling or offering to sell gaming products or services;

45      (C) Influence or try to influence the actions of the Department of State Police; or

1       (D) Disclose any confidential information gained as a member of the Department of State Police.  
2       (b) This subsection does not apply to:  
3           (A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a  
4           Tribal Gaming Commissioner or regulatory agent thereof;  
5           (B) Contracting with the Oregon State Lottery as a lottery game retailer;  
6           (C) Financial gain received from personal gaming activities conducted as a private citizen; or  
7           (D) Subsequent employment in any capacity by the Department of State Police.  
8       (c) As used in this subsection, "Native American tribe" means any recognized Native American  
9           tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public  
10          Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

(6) A person who has been a member of the Legislative Assembly may not use or attempt to use the person's position as a former member of the Legislative Assembly to obtain financial gain as a lobbyist as defined in ORS 171.725 during the period beginning on the date the person ceases to be a member of the Legislative Assembly and ending on the date of adjournment sine die of the regular session of the Legislative Assembly next following the date the person ceases to be a member of the Legislative Assembly.

#### **GIFTS/FINANCIAL GAIN**

**SECTION 16.** ORS 244.020 is amended to read:

244.020. As used in this chapter, unless the context requires otherwise:

22 (1) "Actual conflict of interest" means any action or any decision or recommendation by a per-  
23 son acting in a capacity as a public official, the effect of which would be to the private pecuniary  
24 benefit or detriment of the person or the person's relative or any business with which the person  
25 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-  
26 cumstances described in subsection [(14)] (11) of this section.

27 (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise,  
28 association, organization, self-employed individual and any other legal entity operated for economic  
29 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section  
30 501(c) of the Internal Revenue Code with which a public official or a relative of the public official  
31 is associated only as a member or board director or in a nonremunerative capacity.

(3) "Business with which the person is associated" means:

33 (a) Any private business or closely held corporation of which the person or the person's relative  
34 is a director, officer, owner or employee, or agent or any private business or closely held corpo-  
35 ration in which the person or the person's relative owns or has owned stock, another form of equity  
36 interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding cal-  
37 endar year:

38 (b) Any publicly held corporation in which the person or the person's relative owns or has  
39 owned \$100,000 or more in stock or another form of equity interest, stock options or debt instru-  
40 ments at any point in the preceding calendar year:

41 (c) Any publicly held corporation of which the person or the person's relative is a director or  
42 officer; or

43 (d) For public officials required to file a statement of economic interest under ORS 244.050, any  
44 business [*from which 50 percent or more of the total annual income of the person and members of the*  
45 *person's household is derived during the current calendar year*] **listed as a source of income as**

1     **required under ORS 244.060 (3).**

2         [(4) "Commission" means the Oregon Government Standards and Practices Commission.]

3         [(5)] (4) "Development commission" means any entity which has the authority to purchase, de-  
4         velop, improve or lease land or the authority to operate or direct the use of land. This authority  
5         must be more than ministerial.

6         [(6) "Expenditure" has the meaning given that term in ORS 260.005.]

7         [(7)] (5)(a) "Gift" means something of economic value given to a public official or [the public  
8         official's] a relative of the public official:

9         (A) Without valuable consideration of equivalent value, including the full or partial forgiveness  
10         of indebtedness, which is not extended to others who are not public officials or the relatives of  
11         public officials on the same terms and conditions; or [and something of economic value given to a  
12         public official or the public official's relative]

13         (B) For valuable consideration less than that required from others who are not public officials.  
14         [However, "gift" does not mean:]

15         (b) "Gift" does not mean:

16         [(a) Campaign contributions, as described in ORS chapter 260.]

17         (A) Contributions as defined in ORS 260.005.

18         [(b)] (B) Gifts from [family members] relatives.

19         (C) Gifts from personal friends of the public official on a special occasion.

20         (D) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk  
21         item, wall memento or similar item.

22         (E) Unsolicited informational material, publications or subscriptions related to the  
23         recipient's performance of official duties.

24         (F) Admission to and the cost of food or beverage consumed at a reception, meal or  
25         meeting held by an organization before whom the recipient appears to speak or to answer  
26         questions as part of a scheduled program.

27         (G) Reasonable expenses paid by any unit of the federal government, a state or local  
28         government, a Native American Tribe that is recognized by federal law or formally ac-  
29         knowledged by a state, or a not-for-profit corporation that is tax exempt under section  
30         501(c)(3) of the Internal Revenue Code and that receives less than five percent of its funding  
31         from for-profit organizations or entities, for attendance at a convention, fact-finding mission  
32         or trip, or other meeting if the public official is scheduled to deliver a speech, make a pres-  
33         entation, participate on a panel or represent state government as defined in ORS 174.111 or  
34         local government as defined in ORS 174.116.

35         (H) Contributions made to a legal expense trust fund established under section 31 of this  
36         2007 Act for the benefit of the public official.

37         [(c) The giving or receiving of food, lodging and travel when participating in an event which bears  
38         a relationship to the public official's office and when appearing in an official capacity, subject to the  
39         reporting requirement of ORS 244.060 (6).]

40         [(d) The giving or receiving of food or beverage if the food or beverage is consumed by the public  
41         official or the public official's relatives in the presence of the purchaser or provider thereof.]

42         [(e) The giving or receiving of entertainment if the entertainment is experienced by the public offi-  
43         cial or the public official's relatives in the presence of the purchaser or provider thereof and the value  
44         of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250  
45         in any one calendar year.]

1        [8] (6) [*Honoraria*] **Honorarium** means a payment or something of economic value given  
 2 to a public official in exchange for services upon which custom or propriety prevents the setting of  
 3 a price. Services include, but are not limited to, speeches or other services rendered in connection  
 4 with an event [*at which the public official appears in an official capacity*].

5        [9] (7) "Income" means income of any nature derived from any source, including, but not lim-  
 6 ited to, any salary, wage, advance, payment, dividend, interest, rent, [*honoraria*] **honorarium**, return  
 7 of capital, forgiveness of indebtedness, or anything of economic value.

8        [10] (8) "Legislative or administrative interest" means an economic interest, distinct from that  
 9 of the general public, in one or more bills, resolutions, regulations, proposals or other matters sub-  
 10 ject to the action or vote of a person acting in the capacity of a public official.

11        [11] "*Legislative official*" means any member or member-elect of the Legislative Assembly, any  
 12 member of an agency, board or committee that is part of the legislative branch and any staff person,  
 13 assistant or employee thereof.]

14        [12] (9) "Member of household" means any relative who resides with the public official.

15        [13] (10) "Planning commission" means a county planning commission created under ORS  
 16 chapter 215 or a city planning commission created under ORS chapter 227.

17        [14] (11) "Potential conflict of interest" means any action or any decision or recommendation  
 18 by a person acting in a capacity as a public official, the effect of which could be to the private  
 19 pecuniary benefit or detriment of the person or the person's relative, or a business with which the  
 20 person or the person's relative is associated, unless the pecuniary benefit or detriment arises out  
 21 of the following:

22        (a) An interest or membership in a particular business, industry, occupation or other class re-  
 23 quired by law as a prerequisite to the holding by the person of the office or position.

24        (b) Any action in the person's official capacity which would affect to the same degree a class  
 25 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or  
 26 other group including one of which or in which the person, or the person's relative or business with  
 27 which the person or the person's relative is associated, is a member or is engaged. The **Oregon**  
 28 **Government Standards and Practices** Commission may by rule limit the minimum size of or oth-  
 29 erwise establish criteria for or identify the smaller classes that qualify under this exception.

30        (c) Membership in or membership on the board of directors of a nonprofit corporation that is  
 31 tax-exempt under section 501(c) of the Internal Revenue Code.

32        (12) **Public office** has the meaning given that term in ORS 260.005.

33        [15] (13) "Public official" means any person who, when an alleged violation of this chapter  
 34 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body  
 35 [*of the state*] as **defined in ORS 174.109** as an officer, employee, agent or otherwise, [*and*] irrespec-  
 36 tive of whether the person is compensated for [*such*] **the** services.

37        [16] (14) "Relative" means the spouse of the public official, any children of the public official  
 38 or of the public official's spouse, and brothers, sisters or parents of the public official or of the  
 39 public official's spouse.

40        [17] (15) "Statement of economic interest" means a statement as described by ORS 244.060 to  
 41 244.080.

42        [18] "*Statewide official*" means the Secretary of State or Secretary of State-elect, State Treasurer  
 43 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-  
 44 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor  
 45 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.]

1       [(19)] **(16)** “Zoning commission” means an entity to which is delegated at least some of the dis-  
 2 cretionary authority of a planning commission or governing body relating to zoning and land use  
 3 matters.

4       **SECTION 17.** ORS 244.040 is amended to read:

5       244.040. [*The following actions are prohibited regardless of whether actual conflicts of interest or*  
 6 *potential conflicts of interest are announced or disclosed pursuant to ORS 244.120.*]

7       [(1)(a)] **(1)** [No] **Except as provided in subsection (2) of this section, a public official [shall]**  
 8 **may not** use or attempt to use official position or office to obtain financial gain or avoidance of  
 9 financial detriment [*that would not otherwise be available but for the public official's holding of the*  
 10 *official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b)*  
 11 *and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional*  
 12 *achievement for the public official or the public official's relative, or for] for the public official, a*  
 13 **relative of the public official, or** any business with which the public official or a relative of the  
 14 public official is associated, **if the financial gain or avoidance of financial detriment would not**  
 15 **otherwise be available but for the public official's holding of the official position or office.**

16       **(2) Subsection (1) of this section does not apply to:**

17       **(a) Any part of an official compensation package as determined by the public body that**  
 18 **the public official serves.**

19       **(b) The receipt by a public official or a relative of the public official of an honorarium**  
 20 **or any other item allowed under section 24 of this 2007 Act.**

21       **(c) Reimbursement of expenses.**

22       **(d) An unsolicited award for professional achievement.**

23       **(e) Gifts that do not exceed the limits specified in section 18 of this 2007 Act received by**  
 24 **a public official or a relative of the public official from a source that could reasonably be**  
 25 **known to have a legislative or administrative interest in a governmental agency in which the**  
 26 **official holds any official position or over which the official exercises any authority.**

27       **(f) Gifts received by a public official or a relative of the public official from a source that**  
 28 **could not reasonably be known to have a legislative or administrative interest in a govern-**  
 29 **mental agency in which the official holds any official position or over which the official ex-**  
 30 **ercises any authority.**

31       **(g) The receipt by a public official or a relative of the public official of any item, regard-**  
 32 **less of value, that is expressly excluded from the definition of “gift” in ORS 244.020.**

33       **(h) Contributions made to a legal expense trust fund established under section 31 of this**  
 34 **2007 Act for the benefit of the public official.**

35       [(b) *No statewide official shall solicit or receive, whether directly or indirectly, honoraria for the*  
 36 *statewide official or for any member of the household of the official. No candidate for statewide office*  
 37 *shall solicit or receive, whether directly or indirectly, honoraria for the candidate or for any member*  
 38 *of the household of the candidate.*]

39       [(c) *No legislative official shall solicit or receive, whether directly or indirectly, honoraria in an*  
 40 *amount in excess of \$1,500 or in any amount for an appearance within the state or for an appearance*  
 41 *during a legislative session, regardless of location, for the legislative official or for any member of the*  
 42 *household of the official, except that a legislative official may solicit or receive honoraria for services*  
 43 *performed in relation to the private profession or occupation of the legislative official. No candidate*  
 44 *for legislative office shall solicit or receive, whether directly or indirectly, honoraria in an amount in*  
 45 *excess of \$1,500 or in any amount for an appearance within the state for the candidate or for any*

1 member of the household of the candidate, except that a candidate for legislative office may solicit or  
 2 receive honoraria for services performed in relation to the private profession or occupation of the leg-  
 3 islative official.]

4 [(d) Any public official not described in paragraph (b) or (c) of this subsection or a member of the  
 5 public official's household may receive honoraria.]

6 [(2) No public official or candidate for office or a relative of the public official or candidate shall  
 7 solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an  
 8 aggregate value in excess of \$100 from any single source who could reasonably be known to have a  
 9 legislative or administrative interest in any governmental agency in which the official has or the can-  
 10 didate if elected would have any official position or over which the official exercises or the candidate  
 11 if elected would exercise any authority.]

12 (3) [No] A public official [shall] **may not** solicit or receive, either directly or indirectly, and  
 13 [no] a person [shall] **may not** offer or give to any public official any pledge or promise of future  
 14 employment, based on any understanding that [such public official's] **the** vote, official action or  
 15 judgment **of the public official** would be influenced [thereby] **by the pledge or promise**.

16 (4) [No] A public official [shall] **may not** attempt to further or further the personal gain of the  
 17 public official through the use of confidential information gained in the course of or by reason of  
 18 [the official position] **holding position as a public official** or activities of the public official [in any  
 19 way].

20 [(5) No person shall offer during any calendar year any gifts with an aggregate value in excess  
 21 of \$100 to any public official or candidate therefor or a relative of the public official or candidate if the  
 22 person has a legislative or administrative interest in a governmental agency in which the official has  
 23 or the candidate if elected would have any official position or over which the official exercises or the  
 24 candidate if elected would exercise any authority.]

25 [(6)] (5) [No person shall] A **person may not** attempt to represent or represent a client for a  
 26 fee before the governing body of a public body of which the person is a member. This subsection  
 27 does not apply to the person's employer, business partner or other associate.

28 (6) **The provisions of this section apply regardless of whether actual conflicts of interest  
 29 or potential conflicts of interest are announced or disclosed under ORS 244.120.**

30 **SECTION 18.** (1) During a calendar year, a public official, a candidate for public office or  
 31 a relative of the public official or candidate may not solicit or receive, directly or indirectly,  
 32 any gift or gifts with an aggregate value in excess of \$50 from any single source that could  
 33 reasonably be known to have a legislative or administrative interest in any governmental  
 34 agency in which the public official holds, or the candidate if elected would hold, any official  
 35 position or over which the public official exercises, or the candidate if elected would exercise,  
 36 any authority.

37 (2) During a calendar year, a person who has a legislative or administrative interest in  
 38 any governmental agency in which a public official holds any official position or over which  
 39 the public official exercises any authority may not offer to the public official or a relative  
 40 of the public official any gift or gifts with an aggregate value in excess of \$50.

41 (3) During a calendar year, a person who has a legislative or administrative interest in  
 42 any governmental agency in which a candidate for public office if elected would hold any of-  
 43 ficial position or over which the candidate if elected would exercise any authority may not  
 44 offer to the candidate or a relative of the candidate any gift or gifts with an aggregate value  
 45 in excess of \$50.

1        **SECTION 19.** ORS 244.060 is amended to read:

2        244.060. The statement of economic interest filed under ORS 244.050[,] shall be on a form pre-  
 3 scribed by the Oregon Government Standards and Practices Commission[, *and*]. The person filing the  
 4 statement shall supply the information required by this section and ORS 244.090, as follows:

5        (1) The [name] **names** of all positions as officer of a business and business directorships held  
 6 by the person or a member of the household of the person during the preceding calendar year, **and**  
 7 **the principal address and a brief description of each business.**

8        (2) All names under which the person and members of the household of the person do business  
 9 **and the principal address and a brief description of each business.**

10        (3) **The names, principal addresses and brief descriptions of the five most significant**  
 11 sources of income received at any time during the preceding calendar year by the person [or a] **and**  
 12 **by each member of the household of the person [that produce 10 percent or more of the total annual**  
 13 **household income], a description of the type of income and the name of the person receiving**  
 14 **the income.**

15        [(4) *The name, principal address and brief description of the source of income from which 50 per-*  
 16 *cent or more of the total annual income of the person and members of the household of the person was*  
 17 *received during the preceding calendar year and whether the source existed during the preceding year,*  
 18 *and whether the source is derived from an entity that now does business or could reasonably be ex-*  
 19 *pected to do business or has legislative or administrative interest in the governmental agency of which*  
 20 *the public official is or the candidate if elected would be a member or over which the public official*  
 21 *has or the candidate if elected would have authority.]*

22        [(5)(a)] **(4)(a)** [The listing] **A list** of all real property in which the public official or candidate  
 23 **[therefor] for public office** or a member of the household of the public official or candidate has or  
 24 has had any personal, beneficial ownership interest during the preceding calendar year, any options  
 25 to purchase or sell real property, including a land sales contract, and any other rights of any kind  
 26 in real property located within the geographic boundaries of the governmental agency of which the  
 27 public official [is] **holds**, or the candidate if elected would [be a member] **hold, any official position**  
 28 or over which the public official [has] **exercises**, or the candidate if elected would [have] **exercise,**  
 29 **any authority.**

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

32        [(6)(a) *Notwithstanding ORS 244.020 (7)(c), if a public official has received food, lodging and pay-*  
 33 *ment of travel expenses exceeding \$100 when participating in an event which bears a relationship to*  
 34 *the public official's office and when appearing in an official capacity, the name, nature and business*  
 35 *address of the organization paying the expenses and the date and amount of that expenditure.]*

36        [(b) *Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection shall*  
 37 *be adjusted annually by the commission based upon the change in the Portland Consumer Price Index*  
 38 *for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United*  
 39 *States Department of Labor or its successor during the preceding 12-month period. The amount deter-*  
 40 *mined under this paragraph shall be rounded to the nearest dollar.]*

41        [(7) *Any honoraria exceeding \$50 received during the preceding calendar year by the person or a*  
 42 *member of the household of the person, the payer of the honoraria and the date and time of the event*  
 43 *for which the honoraria was received.]*

44        **SECTION 20.** ORS 244.070 is amended to read:

45        244.070. **A public official or candidate for public office shall report** the following additional

1 economic interest [*shall be reported*] for the preceding calendar year only if the source of that in-  
 2 terest is derived from an individual or business [*which*] **that** has been doing business, does business  
 3 or could reasonably be expected to do business with, or has legislative or administrative interest  
 4 in, the governmental agency of which the public official [*is*] **holds**, or the candidate if elected would  
 5 [*be a member*] **hold, any official position** or over which the public official [*has*] **exercises**, or the  
 6 candidate if elected would [*have*] **exercise, any** authority:

7 [(1) *Each source of income over \$1,000, other than a source of income disclosed under ORS 244.060,*  
 8 *whether or not taxable, received by the public official or candidate therefor or a member of the house-*  
 9 *hold of the public official or candidate.*]

10 [(2)] (1) Each person to whom the public official or candidate [*therefor*] **for public office** or a  
 11 member of the household of the public official or candidate owes or has owed money in excess of  
 12 \$1,000, the interest rate [*thereon*] **on money owed** and the date of the loan, except for debts owed  
 13 to any federal or state regulated financial institution or retail contracts.

14 [(3)] (2) [*Each business*] **The name**, principal address[,] and brief description of [*its*] **the**  
 15 **nature[,] of each business** in which the public official or candidate [*therefor*] **for public office** or  
 16 a member of the household of the public official or candidate has or has had a personal, beneficial  
 17 interest or investment, including stocks or other securities, in excess of \$1,000, except for individual  
 18 items involved in a mutual fund or a blind trust, or a time or demand deposit in a financial institu-  
 19 tion, shares in a credit union, or the cash surrender value of life insurance.

20 [(4)] (3) Each person for whom the public official or candidate **for public office** has performed  
 21 services for a fee in excess of \$1,000, except for any disclosure otherwise prohibited by law or by  
 22 a professional code of ethics.

23 **SECTION 21.** ORS 244.100 is amended to read:

24 244.100. [(1) *The Oregon Government Standards and Practices Commission by rule may require the*  
 25 *disclosure and reporting of gifts or other compensation made to or received by a public official or*  
 26 *candidate for elective office.*]

27 [(2) *The commission by rule may exempt from the gift limitation contained in ORS 244.040, any*  
 28 *gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount*  
 29 *fixed by the commission, the source thereof shall be disclosed on a form prescribed by the*  
 30 *commission.*]

31 (1) **A public official or candidate for public office who is required to file a statement of**  
 32 **economic interest under ORS 244.050 shall file with the Oregon Government Standards and**  
 33 **Practices Commission, according to the schedule set forth in section 23 of this 2007 Act, a**  
 34 **statement showing for the applicable reporting period:**

35 (a) **Any gift with a value exceeding \$15 that is subject to the \$50 limit specified in section**  
 36 **18 of this 2007 Act and that was received by the public official or candidate or relative of the**  
 37 **public official or candidate. The statement shall include the name of each person who made**  
 38 **a gift, the date each gift was received, the value of each gift and a description of the nature**  
 39 **of each gift. If the public official or candidate does not receive notice under subsection (3)**  
 40 **of this section of the value of the gift, the public official or candidate shall include on the**  
 41 **statement a good faith estimate of the value of the gift.**

42 (b) **Any expenses with an aggregate value exceeding \$75 received by the public official**  
 43 **when participating in a convention, mission, trip or other meeting described in ORS 244.020**  
 44 **(5)(b)(G). The statement shall include the name and address of the organization or unit of**  
 45 **government paying the expenses, the nature of the event and the date and amount of the**

1 **expenditure.**

2 (c) All honoraria allowed under section 24 of this 2007 Act exceeding \$15 received by the  
 3 public official, candidate or member of the household of the official or candidate, the payer  
 4 of each honorarium and the date and time of the event for which the honorarium was re-  
 5 ceived.

6 (d) Each source of income exceeding an aggregate amount of \$1,000, whether or not tax-  
 7 able, received by the public official or candidate for public office, or a member of the  
 8 household of the public official or candidate, if the source of that income is derived from an  
 9 individual or business that has been doing business, does business or could reasonably be  
 10 expected to do business with, or has legislative or administrative interest in, the govern-  
 11 mental agency of which the public official holds, or the candidate if elected would hold, any  
 12 official position or over which the public official exercises, or the candidate if elected would  
 13 exercise, any authority.

14 (2) A person who makes a gift with a value exceeding \$15 that is subject to the \$50 limit  
 15 specified in section 18 of this 2007 Act to a public official or candidate for public office who  
 16 is required to file a statement of economic interest under ORS 244.050, or to a relative of the  
 17 public official or candidate, shall file a statement of gifts made with the commission ac-  
 18 cording the schedule set forth in section 23 of this 2007 Act. If the person making a gift is  
 19 a lobbyist registered with the commission under ORS 171.725 to 171.785, any gifts subject to  
 20 this subsection may be reported on statements filed under ORS 171.745. A statement filed  
 21 under this subsection shall include the name and address of the person filing the statement,  
 22 the name of each person who received a gift, the date each gift was made, the value of each  
 23 gift and a description of the nature of each gift. The commission by rule may require addi-  
 24 tional information.

25 (3) In addition to [any disclosures or reports] statements required under subsections (1) and (2)  
 26 of this section[,]:

27 (a) Any [person or] organization or unit of government that provides a public official with  
 28 [food, lodging or travel expenses exceeding \$50, as described in ORS 244.060 (6,)] expenses with an  
 29 aggregate value exceeding \$75 for an event described in ORS 244.020 (5)(b)(G) shall notify the  
 30 public official in writing of the amount of the expense. The organization or unit shall provide the  
 31 notice [shall be sent] to the public official within 10 days from the date [such] the expenses are in-  
 32 curred.

33 (b) Any person that provides a public official or a member of the household of a public  
 34 official with an honorarium or other item allowed under section 24 of this 2007 Act with a  
 35 value exceeding \$15 shall notify the public official in writing of the value of the honorarium  
 36 or other item. The person shall provide the notice to the public official within 10 days after  
 37 the date of the event for which the honorarium or other item was received.

38 (c) A person who makes a gift to a public official or candidate for public office, or to a  
 39 relative of a public official or candidate, that must be listed on a statement filed under sub-  
 40 section (1) of this section shall notify the public official or candidate in writing of the value  
 41 of the gift. The person shall provide the notice not later than five days after the date the  
 42 person makes the gift.

43 **SECTION 22.** Section 23 of this 2007 Act is added to and made a part of ORS chapter 244.

44 **SECTION 23.** Statements required to be filed with the Oregon Government Standards and  
 45 Practices Commission under ORS 244.100 and section 35 of this 2007 Act shall be filed in each

### **calendar year:**

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

(4) Not later than January 7 of the following calendar year, for the accounting period beginning October 1 and ending December 31.

## HONORARIA

**SECTION 24.** (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(2) Except as provided in subsection (3) of this section, a candidate for public office may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any member of the household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

**(3) This section does not prohibit:**

(a) The solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or

(b) The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the public official or candidate.

**SECTION 25.** ORS 244.280 is amended to read:

244.280. (1) Upon the written request of any [public official, candidate for public office or any] person, or upon its own motion, the Oregon Government Standards and Practices Commission, under signature of the chairperson, may issue and publish opinions on the requirements of this chapter, based on actual or hypothetical circumstances.

(2) If any public official or business with which the public official is associated is in doubt whether a proposed transaction or action constitutes a violation of this chapter, the public official or the business may request in writing a determination from the commission. *[If any public official is in doubt whether receipt of an honoraria is in violation of this chapter because the person paying the honoraria may be found to have a legislative or administrative interest, the public official shall request in writing a determination from the commission.]* The requester shall supply such information as the commission requests to enable *[it to issue the interpretation]* **the commission to make the determination.**

(3) A public official [or business with which a public official is associated shall not be] is not liable under this chapter[,] for any action or transaction carried out in accordance with [an advisory interpretation issued] a **determination made** under subsection (2) of this section. [Such an advisory interpretation shall be] The **determination** is considered a formal opinion having precedential effect and [shall be subject to review] must be reviewed by legal counsel to the commission before the [interpretation] **determination** is sent to the requester.

**SECTION 26.** ORS 351.067 is amended to read:

1       351.067. (1) In carrying out its authority under ORS 351.070, the State Board of Higher Education  
2       may authorize receipt of compensation for any officer or employee of the Oregon University  
3       System from private or public resources, including, but not limited to, income from:

- 4       (a) Consulting;
- 5       (b) Appearances and speeches;
- 6       (c) Intellectual property conceived, reduced to practice or originated and therefore owned within  
7       the Oregon University System;
- 8       (d) Providing services or other valuable consideration for a private corporation, individual, or  
9       entity, whether paid in cash or in-kind, stock or other equity interest, or anything of value regard-  
10      less of whether there is a licensing agreement between the Oregon University System and the pri-  
11      vate entity; and
- 12       (e) Performing public duties paid by private organizations, including institution corporate affil-  
13      iates, which augment an officer's or employee's publicly funded salary. Such income shall be au-  
14      thorized and received in accordance with policies and rules established by the board.

15       (2) The board *[shall]* **may** not authorize compensation, as defined in subsection (1) of this sec-  
16      tion, that, in the board's judgment, does not comport with the mission of the institution and the  
17      Oregon University System or substantially interferes with an officer's or employee's duties to the  
18      Oregon University System.

19       (3) Any compensation[,] described and authorized under subsection (1) of this section~~[, shall be]~~  
20      **is** considered official *[salary, honorarium]* **compensation** or reimbursement of expenses for purposes  
21      of ORS 244.040 **and is not considered an honorarium prohibited by section 24 of this 2007**  
22      **Act.** If authorization or receipt of *[such]* **the** compensation creates a potential conflict of interest,  
23      the **officer or employee shall report the** potential conflict *[shall be reported]* in writing in ac-  
24      cordance with rules of the state board. The disclosure is a public record subject to public inspection.

25       (4) The state board shall adopt by rule standards governing employee outside employment and  
26      activities, including potential conflict of interest, as defined by state board rule and consistent with  
27      ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential  
28      or actual conflict of interest complaints.

29       **SECTION 27.** ORS 353.270 is amended to read:

30       353.270. (1) Oregon Health and Science University may authorize receipt of compensation for  
31      any officer or employee of the university from private or public resources, including but not limited  
32      to income from:

- 33       (a) Consulting;
- 34       (b) Appearances and speeches;
- 35       (c) Intellectual property conceived, reduced to practice or originated and therefore owned within  
36       the university;
- 37       (d) Providing services or other valuable consideration for a private corporation, individual or  
38       entity, whether paid in cash or in kind, stock or other equity interest, or anything of value regard-  
39       less of whether there is a licensing agreement between the university and the private entity;
- 40       (e) Performing public duties paid by private organizations, including university corporate affil-  
41       iates, that augment an officer's or employee's publicly funded salary. Such income shall be au-  
42       thorized and received in accordance with policies established by the university; and
- 43       (f) Providing medical and other health services.

44       (2) The university *[shall]* **may** not authorize compensation, as described in subsection (1) of this  
45      section, that, in the university's judgment, does not comport with the missions of the university or

1 substantially interferes with an officer's or employee's duties to the university.

(3) Any compensation described and authorized under subsection (1) of this section [*shall be*] is considered official [*salary, honorarium*] **compensation** or reimbursement of expenses for purposes of ORS 244.040 **and is not considered an honorarium prohibited by section 24 of this 2007 Act**. If authorization or receipt of [*such*] **the** compensation creates a potential conflict of interest, the **officer or employee shall report the** potential conflict [*shall be reported*] in writing in accordance with policies of the university. The disclosure is a public record subject to public inspection.

9       (4) The university shall adopt standards governing employee outside employment and activities  
10 of employees, including potential conflicts of interest, as defined by the university and consistent  
11 with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing po-  
12 tential or actual conflict of interest complaints.

## **LEGAL EXPENSE TRUST FUND**

**SECTION 28.** Sections 29 to 37 of this 2007 Act are added to and made a part of ORS chapter 244.

18        **SECTION 29.** (1) Subject to the authorization of the Oregon Government Standards and  
19        Practices Commission as described in section 31 of this 2007 Act, a public official may es-  
20        tablish a legal expense trust fund if the public official incurs or reasonably expects to incur  
21        legal expenses described in subsection (2) of this section.

22 (2) Proceeds from the trust fund may be used by the public official to defray legal ex-  
23 penses incurred by the public official in defending the public official in any civil, criminal or  
24 other legal proceeding or investigation that:

**(a) Is brought or maintained by a public body as defined in ORS 174.109; and**

26 (b) Relates to or arises from the course and scope of duties of the person as a public  
27 official.

(3) Except as provided in subsection (2) of this section, a public official may not use  
proceeds from the trust fund for any personal use.

30       (4) A public official may not establish or maintain more than one legal expense trust fund  
31       at any one time.

32 (5) A public official who establishes a legal expense trust fund may not solicit, receive  
33 or handle any contributions to the fund.

34 (6) The provisions of ORS chapter 130 do not apply to a trust fund established under  
35 sections 29 to 37 of this 2007 Act.

**SECTION 30.** (1) The proceeds of a legal expense trust fund may be used to:

37 (a) Defray legal expenses described in section 29 of this 2007 Act;

38 (b) Defray costs reasonably incurred in administering the trust fund, including but not  
39 limited to costs incident to the solicitation of funds; and

40 (c) Discharge any tax liabilities incurred as a result of the creation, operation or admin-  
41 istration of the trust fund.

42 (2) The proceeds of a trust fund may also be used to defray or discharge expenses, costs  
43 or liabilities incurred before the fund was established if the expenses, costs or liabilities are  
44 related to the legal proceeding for which the fund was established.

45 **SECTION 31.** (1) A public official may apply to establish a legal expense trust fund by

1 **filing an application with the Oregon Government Standards and Practices Commission. The**  
2 **application must contain:**

3 (a) **A copy of an executed trust agreement described in subsection (2) of this section;**  
4 (b) **A sworn affidavit described in subsection (3) of this section signed by the public offi-**  
5 **cial; and**

6 (c) **A sworn affidavit described in subsection (4) of this section signed by the trustee.**

7 (2) **The trust agreement must contain the following:**

8 (a) **A provision incorporating by reference the provisions of sections 29 to 37 of this 2007**  
9 **Act; and**

10 (b) **A designation of a trustee who meets the requirements of section 32 of this 2007 Act.**

11 (3) **The affidavit of the public official must state:**

12 (a) **The nature of the legal proceeding that requires establishment of the trust fund;**

13 (b) **That the public official will comply with the provisions of sections 29 to 37 of this 2007**  
14 **Act; and**

15 (c) **That the public official is responsible for the proper administration of the trust fund,**  
16 **even though a trustee of the fund has been designated.**

17 (4) **The affidavit of the trustee must state that the trustee:**

18 (a) **Has read and understands sections 29 to 37 of this 2007 Act; and**

19 (b) **Consents to administer the trust fund in compliance with sections 29 to 37 of this 2007**  
20 **Act.**

21 (5) **Upon receiving an application under this section, the commission shall review the**  
22 **trust agreement, the affidavits and any supporting documents or instruments filed to deter-**  
23 **mine whether the application meets the requirements of sections 29 to 37 of this 2007 Act.**  
24 **If the commission determines that the application meets the requirements of sections 29 to**  
25 **37 of this 2007 Act, the commission shall grant written authorization to the public official to**  
26 **establish the trust fund.**

27 (6) **The commission shall review the quarterly statements required under section 35 of**  
28 **this 2007 Act and shall monitor the activities of each trust fund to ensure continued com-**  
29 **pliance with sections 29 to 37 of this 2007 Act.**

30 (7) **Unless subject to the attorney-client privilege, all documents required to be filed re-**  
31 **lating to the creation and administration of a trust fund are public records subject to dis-**  
32 **closure as provided in ORS 192.410 to 192.505.**

33 (8) **A public official may not establish a legal expense trust fund without receiving prior**  
34 **written authorization of the commission as described in this section.**

35 (9) **A public official may file an amendment to a trust agreement approved as part of a**  
36 **trust fund under this section. The commission shall approve the amendment if the commis-**  
37 **sion determines the amendment meets the requirements of sections 29 to 37 of this 2007 Act.**

38 **SECTION 32.** (1) **The trustee of a legal expense trust fund is responsible for:**

39 (a) **The receipt and deposit of contributions to the trust fund;**

40 (b) **The authorization of expenditures and disbursements from the trust fund;**

41 (c) **The filing of quarterly statements required under section 35 of this 2007 Act; and**

42 (d) **The performance of other tasks incident to the administration of the trust fund.**

43 (2) **The trustee may not:**

44 (a) **Be a public official who serves the same public body as the public official who estab-**  
45 **lishes the trust fund;**

1        (b) Be a relative of the public official who establishes the trust fund;  
2        (c) Be an attorney for the public official in the legal proceeding for which the trust fund  
3 is established, or a member, partner, associate or employee of the firm employing the at-  
4 torney; or  
5        (d) Have a business or employment relationship with the public official who establishes  
6 the trust fund.

7        **SECTION 33.** (1) Except as provided in subsection (3) of this section, any person may  
8 contribute to a legal expense trust fund established under sections 29 to 37 of this 2007 Act.

9        (2) A person may make contributions of moneys to a legal expense trust fund in unlim-  
10 ited amounts. Pro bono legal assistance and other in-kind assistance may also be provided  
11 without limit and is considered a contribution subject to the reporting requirements of sec-  
12 tion 35 of this 2007 Act.

13        (3) A political committee as defined in ORS 260.005 that is a principal campaign commit-  
14 tee may not contribute to a legal expense trust fund.

15        **SECTION 34.** (1) A trustee of a legal expense trust fund shall establish a single exclusive  
16 account in a financial institution, as defined in ORS 706.008. The financial institution must  
17 be located in this state and must ordinarily conduct business with the general public in this  
18 state.

19        (2) The trustee shall maintain the account in the name of the trust fund.

20        (3) All expenditures made by the trustee shall be drawn from the account and:

21        (a) Issued on a check signed by the trustee; or

22        (b) Paid using a debit card or other form of electronic transaction.

23        (4) A contribution received by a trustee shall be deposited into the account not later than  
24 seven calendar days after the date the contribution is received. This subsection does not  
25 apply to in-kind contributions received.

26        (5) This section does not prohibit the transfer of any amount deposited in the account  
27 into a certificate of deposit, stock fund or other investment instrument.

28        (6) The account may not include any public or private moneys or any moneys of any  
29 other person, other than contributions received by the trustee.

30        (7) A trustee shall retain a copy of each financial institution account statement from the  
31 account described in this section for not less than two years after the date the statement is  
32 issued by the financial institution.

33        **SECTION 35.** (1) The trustee of a legal expense trust fund shall, according to the schedule  
34 described in subsection (3) of this section, file with the Oregon Government Standards and  
35 Practices Commission a statement for the applicable reporting period showing contributions  
36 received by the trustee and expenditures made from the trust fund account established under  
37 section 34 of this 2007 Act.

38        (2) Each statement shall list:

39        (a) The name and address of each person who contributed an aggregate amount of more  
40 than \$75, and the total amount contributed by that person;

41        (b) The total amount of contributions not listed under paragraph (a) of this subsection  
42 as a single item, but shall specify how those contributions were obtained;

43        (c) The amount and purpose of each expenditure and the name and address of each payee;  
44 and

45        (d) The name and address of any person contributing pro bono legal assistance and the

fair market value of the assistance provided by the person.

(3) Statements required to be filed with the commission under this section shall be filed according to the schedule described in section 23 of this 2007 Act.

(4) If no contributions are received and no expenditures made during the reporting period, the trustee shall file a statement indicating that no contributions were deposited and no expenditures were made.

(5) The trustee may amend a statement filed under this section without penalty if the amendment is filed with the commission not later than 30 days after the deadline for filing the statement.

**SECTION 36.** (1) A legal expense trust fund established under sections 29 to 37 of this 2007 Act may be terminated by:

(a) The public official who established the trust fund;

(b) Subject to subsection (2) of this section, the terms of the trust agreement; or

(c) The Oregon Government Standards and Practices Commission following a determination by the commission that a violation of any provision of ORS chapter 244 has occurred in connection with the trust fund.

(2) A trust agreement may provide that a legal expense trust fund is terminated not later than six months following the completion of the legal proceeding for which the fund was established. Upon application of the public official who established the trust fund, the commission may extend the existence of the trust fund to a specified date if the commission determines that the public official has incurred legal expenses that exceed the balance remaining in the fund. If the commission extends the existence of the trust fund, the trust fund terminates on the date the extension expires.

(3) Following termination of a legal expense trust fund, the trustee may not accept contributions to or make expenditures from the fund.

(4) Not later than 30 days after a trust fund is terminated, the trustee of the fund shall file with the commission a final report listing the totals of all contributions made to the fund and all expenditures made from the fund.

**SECTION 37.** (1) Not later than 30 days after a legal expense trust fund is terminated, the trustee of the fund shall return any moneys remaining in the fund to contributors to the fund on a pro rata basis.

(2) If the legal proceeding for which the trust fund was established results in an award of attorney fees, costs or any other money judgment award to or in favor of the public official, amounts awarded shall be distributed in the following order:

**(a) To pay outstanding legal expenses;**

(b) To contributors to the trust fund on a pro rata basis; and

(c) To the public official or, if required by the trust agreement, to an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

## **CONFORMING AMENDMENTS**

**SECTION 38.** ORS 293.708 is amended to read:

293.708. (1) As used in this section:

(a) "Business" has the meaning given that term in ORS 244.020.

(b) "Business with which the person is associated" has the meaning given that term in ORS

1 244.020.

2 (c) "Relative" has the meaning given that term in ORS 244.020.

3 (2) When a member of the Oregon Investment Council becomes aware that action on a matter  
4 pending before the council might lead to private pecuniary benefit or detriment to the person, to a  
5 relative of the person or to a business with which the person or a relative of the person is associ-  
6 ated, the member shall notify in writing the State Treasurer or the Chief Deputy State Treasurer  
7 that any action, decision or recommendation by the member might constitute an actual or potential  
8 conflict of interest. The member shall provide the notice not later than three business days after the  
9 member becomes aware of the possibility of an actual or potential conflict.

10 (3) Subsection (2) of this section does not apply if the pecuniary benefit or detriment arises out  
11 of circumstances described in ORS 244.020 [(14)(a) to (c)] **(11)(a) to (c)**.

12 (4) Nothing in this section excuses a member of the council from compliance with ORS 244.120.

13

#### MISCELLANEOUS PROVISIONS

14

15 **SECTION 39.** (1) Section 18 of this 2007 Act is added to and made a part of ORS 244.010  
16 to 244.040.

17 (2) Section 24 of this 2007 Act is added to and made a part of ORS chapter 244.

18 **SECTION 40.** (1) Sections 1 to 5, 18, 22, 23, 24, 28 and 29 to 37 of this 2007 Act and the  
19 amendments to ORS 171.745, 171.750, 171.772, 171.992, 244.020, 244.040, 244.045, 244.050, 244.060,  
20 244.070, 244.100, 244.280, 244.290, 244.350, 244.360, 260.407, 260.995, 293.708, 351.067 and 353.270  
21 by sections 6 to 17, 19 to 21, 25 to 27 and 38 of this 2007 Act become operative January 1, 2008.

22 (2) The Oregon Government Standards and Practices Commission and any other public  
23 body as defined in ORS 174.109 may adopt rules or take any other action before the operative  
24 date specified in subsection (1) of this section that is necessary to enable the commission or  
25 public body to exercise, on or after the operative date specified in subsection (1) of this sec-  
26 tion, all the duties, functions and powers conferred on the commission or public body by this  
27 2007 Act.

28 **SECTION 41.** (1) Section 5 of this 2007 Act and the amendments to ORS 171.745 and  
29 171.750 by sections 6 and 7 of this 2007 Act apply to statements required to be filed for re-  
30 porting periods beginning on or after January 1, 2008.

31 (2) The first statement filed under ORS 171.745, as amended by section 6 of this 2007 Act,  
32 shall include amounts expended prior to January 1, 2008, that were not included in a state-  
33 ment filed prior to January 1, 2008.

34 (3) Notwithstanding ORS 171.750, as amended by section 7 of this 2007 Act, a person re-  
35 quired to file a statement under ORS 171.750 for the calendar year 2007 shall file the state-  
36 ment not later than January 31, 2008.

37 (4) The amendments to ORS 171.772 and 244.290 by sections 8 and 9 of this 2007 Act apply  
38 to statements required to be filed on or after January 1, 2008.

39 (5) The amendments to ORS 171.992 and 244.350 by sections 10 and 11 of this 2007 Act  
40 apply to:

41 (a) Violations of any provision of ORS 171.740 to 171.762, any rule adopted under ORS  
42 171.725 to 171.785, ORS chapter 244 or any resolution adopted under ORS chapter 244 occur-  
43 ring on or after January 1, 2008;

44 (b) Violations of ORS 293.708 occurring prior to, on or after January 1, 2008; and

1       (c) **Statements of economic interest required to be filed on or after January 1, 2008.**  
2       (6) **The amendments to ORS 244.360 by section 12 of this 2007 Act apply to violations of**  
3 **any provision of ORS chapter 244 occurring prior to, on or after January 1, 2008.**  
4       (7) **The amendments to ORS 244.050 by section 13 of this 2007 Act apply to statements**  
5 **of economic interest required to be filed on or after January 1, 2008.**  
6       (8) **The amendments to ORS 260.407 by section 14 of this 2007 Act apply to expenditures**  
7 **or distributions of contributions made on or after January 1, 2008.**  
8       (9) **The amendments to ORS 244.045 by section 15 of this 2007 Act apply to persons who**  
9 **cease being members of the Legislative Assembly on or after January 1, 2008.**

10      **SECTION 42.** (1) **Section 18 of this 2007 Act applies to gifts received or made on or after**  
11 **January 1, 2008.**

12      (2) **The amendments to ORS 244.020 and 244.040 by sections 16 and 17 of this 2007 Act**  
13 **apply to activities that occur on or after January 1, 2008.**

14      (3) **Section 24 of this 2007 Act applies to honoraria solicited or received on or after Jan-**  
15 **uary 1, 2008.**

16      (4) **The amendments to ORS 244.060 and 244.100 by sections 19 and 21 of this 2007 Act**  
17 **apply to expenses received or paid on or after January 1, 2008. A public official shall list on**  
18 **the first statement of economic interest filed after January 1, 2008, all expenses the public**  
19 **official received prior to January 1, 2008, that were:**

20       (a) **Required to be reported under ORS 244.060 on the day before January 1, 2008; and**  
21       (b) **Were not reported on a previous statement of economic interest the public official**  
22 **filed.**

23      (5) **The amendments to ORS 351.067 and 353.270 by sections 26 and 27 of this 2007 Act**  
24 **apply to compensation received on or after January 1, 2008.**

25      (6) **The amendments to ORS 260.995 by section 14a of this 2007 Act apply to violations of**  
26 **ORS 260.407 occurring on or after January 1, 2008.**

27      **SECTION 43.** (1) **Sections 29 to 37 of this 2007 Act and the amendments to ORS 244.020,**  
28 **244.040 and 244.350 by sections 11, 16 and 17 of this 2007 Act apply to legal expense trust funds**  
29 **established for legal proceedings commenced prior to, on or after January 1, 2008.**

30      (2) **The amendments to ORS 244.020 and 244.040 by sections 16 and 17 of this 2007 Act**  
31 **apply to contributions made to legal expense trust funds on or after January 1, 2008.**

32      **SECTION 44.** (1) **Any proceeding, action, prosecution or other business or matter**  
33 **undertaken or commenced before January 1, 2008, by the Oregon Government Standards and**  
34 **Practices Commission under any provision of ORS chapter 244 and still pending on January**  
35 **1, 2008, shall be conducted and completed by the commission in the same manner, under the**  
36 **same terms and conditions and with the same effect as though undertaken, conducted or**  
37 **completed before January 1, 2008.**

38      (2) **Nothing in this 2007 Act relieves any person of any obligation with respect to any tax,**  
39 **fee, fine, civil penalty or other charge, interest, penalty, forfeiture or other liability, duty or**  
40 **obligation.**

41      **SECTION 45.** (1) **The amendments to ORS 244.020, 244.050, 244.060 and 244.070 by sections**  
42 **13, 16, 19 and 20 of this 2007 Act apply to statements required to be filed with the Oregon**  
43 **Government Standards and Practices Commission for reporting periods beginning on or after**  
44 **January 1, 2008.**

45      (2) **Section 23 of this 2007 Act and the amendments to ORS 244.100 by section 21 of this**

1 2007 Act apply to statements required to be filed and notices required to be provided for re-  
2 porting periods beginning on or after January 1, 2008.

**SECTION 46.** The unit captions used in this 2007 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2007 Act.

6        **SECTION 47.** This 2007 Act being necessary for the immediate preservation of the public  
7 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect  
8 on its passage.