

Enrolled
House Bill 2260

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Office of the Legislative Counsel)

CHAPTER

AN ACT

Relating to the responsibility of public officials to conform to specified laws; amending ORS 291.990 and 292.990.

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

SECTION 1. ORS 291.990, as amended by section 246, chapter 794, Oregon Laws 2003, is amended to read:

291.990. (1) Any person who makes or orders or votes to make any expenditure in violation of any of the provisions of [ORS 279A.140, 279A.280, 279B.270, 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307,] **the statutes listed in subsection (5) of this section**, or who makes or authorizes or causes to be made any disbursement of funds from the State Treasury in violation of any of the provisions of [ORS 279A.140, 279A.280, 279B.270, 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307,] **the statutes listed in subsection (5) of this section**, commits a violation[,] and shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$3,000.

(2) If any person incurs or orders or votes to incur an obligation in violation of any of the provisions of [ORS 279A.140, 279A.280, 279B.270, 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307,] **the statutes listed in subsection (5) of this section**, the person and the sureties on the bond of the person shall be jointly and severally liable therefor to the person in whose favor the obligation was incurred.

(3) Upon certification by the Oregon Department of Administrative Services that any state officer or employee of a state agency has failed or refused to comply with any order, rule or regulation made by the department in accordance with **any of** the provisions of [ORS 279A.140, 279A.280, 279B.270, 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307,] **the statutes listed in subsection (5) of this section**, the salary of [such] **the** officer or employee [shall] **may** not be paid until [such] **the** order, rule or regulation is complied with.

(4) Any violation of [ORS 279A.140, 279A.280, 279B.270, 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307,] **a provision of a statute listed in subsection (5) of this section** for which no other penalty is provided in this section[,] is a Class A violation.

(5) Subsections (1) to (4) of this section apply to ORS 279A.140, 279A.280, 279B.270, 283.020, 283.110, 283.140 to 283.160, 283.305 to 283.390, 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260, 291.307, 292.220 and 292.230.

SECTION 2. ORS 292.990, as amended by section 247, chapter 794, Oregon Laws 2003, is amended to read:

292.990. [(1) *The provisions of ORS 291.990 shall apply to ORS 292.220 and 292.230 the same as such provisions apply to ORS 283.010, 283.020, 283.110, 283.130 to 283.160 and 283.305 to 283.390 or 279A.140, 279A.280, 279B.270, 291.001 to 291.034, 291.201 to 291.222, 291.232 to 291.260 and 291.307.*]

[(2)] If any of the officers mentioned in ORS 292.316 fails to pay over to the State Treasurer any and all moneys collected by virtue of office, the officer shall be deemed guilty of theft[,] and shall be punished accordingly.

Passed by House April 14, 2005

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 18, 2005

.....
President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2005

.....
Secretary of State