

Enrolled Senate Bill 718

Sponsored by Senator WALKER; Representative SHIELDS

CHAPTER

AN ACT

Relating to conflicts of interest; creating new provisions; and amending ORS 244.350.

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

SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS 293.701 to 293.820.

SECTION 2. (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 244.020.

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

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

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

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

SECTION 3. 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** for violating any provision of this chapter or any resolution adopted [pursuant thereto except that] **under this chapter.**

(b) **\$25,000** for violation of ORS 244.045 [the commission may impose a civil penalty of not to exceed \$25,000].

(2) The commission may [also] impose civil penalties not to exceed \$1,000 for violating any provision of ORS 192.660. However, 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 section 2 of this 2005 Act.**

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

SECTION 4. Section 2 of this 2005 Act and the amendments to ORS 244.350 by section 3 of this 2005 Act apply to conflicts of interest of which a member of the Oregon Investment Council becomes aware on or after the effective date of this 2005 Act.

Passed by Senate March 23, 2005

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Secretary of Senate

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President of Senate

Passed by House May 20, 2005

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Speaker of House

Received by Governor:

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

Approved:

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

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Governor

Filed in Office of Secretary of State:

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

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Secretary of State