

**HOUSE MINORITY REPORT  
AMENDMENTS TO  
B-ENGROSSED SENATE BILL 10  
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

June 26

Speaker Merkley:

A minority of your Committee on Elections, Ethics and Rules, to whom was referred B-engrossed Senate Bill 10, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 1       On page 1 of the printed B-engrossed bill, line 2, after “ORS” insert “171.725, 171.730, 171.735,  
2 171.740,”.
- 3       In line 3, after “244.100,” insert “244.110,”.
- 4       In line 4, after “244.360,” insert “244.390,” and after “353.270” insert “and sections 5, 14, 15 and  
5 40b, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595)”.
- 6       Delete line 7.
- 7       Delete page 2.
- 8       On page 3, delete line 1 and insert:
- 9       “**NOTE:** Sections 1 through 3 were deleted by amendment. Subsequent sections were not re-  
10 numbered.”.
- 11       In line 15, delete “7” and insert “15”.
- 12       After line 16, insert:
- 13       “**SECTION 6.** ORS 171.725 is amended to read:
- 14       “171.725. As used in ORS 171.725 to 171.785, unless the context requires otherwise:
- 15       “(1) ‘Compensation’ has the meaning given that term in ORS 292.951.
- 16       “(2) ‘Consideration’ includes a gift, payment, distribution, loan, advance or deposit of money or  
17 anything of value, and includes a contract, promise or agreement, whether or not legally enforcea-  
18 ble.
- 19       “(3) ‘Executive agency’ means a commission, board, agency or other body in the executive  
20 branch of state government that is not part of the legislative or judicial branch.
- 21       “(4) ‘Executive official’ means any member or member-elect of an executive agency and any  
22 member of the staff or an employee of an executive agency. A member of a state board or commis-  
23 sion, other than a member who is employed in full-time public service, is not an executive official  
24 for purposes of ORS 171.725 to 171.785.
- 25       “(5) ‘Judge’ means an active judge serving on the Oregon Supreme Court, Court of Appeals,  
26 Oregon Tax Court, or an Oregon circuit court.
- 27       “(6) ‘Legislative action’ means introduction, sponsorship, testimony, debate, voting or any other  
28 official action on any measure, resolution, amendment, nomination, appointment, or report, or any  
29 matter that may be the subject of action by either house of the Legislative Assembly, or any com-  
30 mittee of the Legislative Assembly, or the approval or veto thereof by the Governor.
- 31       “(7) ‘Legislative official’ means any member or member-elect of the Legislative Assembly, any

1 member of an agency, board or committee that is part of the legislative branch, and any staff person,  
2 assistant or employee thereof.

3 “(8) ‘Lobbying’ means influencing, or attempting to influence, legislative action through oral or  
4 written communication with legislative officials, solicitation of [*others*] **executive officials or other**  
5 **persons** to influence or attempt to influence legislative action or attempting to obtain the goodwill  
6 of legislative officials.

7 “(9) ‘Lobbyist’ means:

8 “(a) Any individual who agrees to provide personal services for money or any other consider-  
9 ation for the purpose of lobbying.

10 “(b) Any person not otherwise subject to paragraph (a) of this subsection who provides personal  
11 services as a representative of a corporation, association, organization or other group, for the pur-  
12 pose of lobbying.

13 “(c) Any public official who lobbies.

14 “(10) ‘Public agency’ means a commission, board, agency or other governmental body.

15 “(11) ‘Public official’ means any member or member-elect of any public agency and any member  
16 of the staff or an employee of the public agency.

17 “**SECTION 6a.** ORS 171.730 is amended to read:

18 “171.730. The Legislative Assembly finds that, to preserve and maintain the integrity of the  
19 legislative process, persons who engage in efforts to [*persuade members of the Legislative Assembly*  
20 *or the executive branch to take specific actions*] **influence legislative action**, either by direct com-  
21 munication with [*members or employees of the Legislative Assembly or the executive branch*] **legisla-**  
22 **tive officials** or by solicitation of [*others*] **executive officials or other persons** to engage in those  
23 efforts, should regularly report their efforts to the public.

24 “**SECTION 6b.** ORS 171.735 is amended to read:

25 “171.735. ORS 171.740 and 171.745 do not apply to the following persons:

26 “(1) News media, or their employees or agents, that in the ordinary course of business directly  
27 or indirectly urge legislative action but that engage in no other activities in connection with the  
28 legislative action.

29 “(2) Any legislative official acting in an official capacity.

30 “(3) Any individual who [*receives no*] **does not receive** compensation or reimbursement of ex-  
31 penses for lobbying, who limits lobbying activities solely to formal appearances to give testimony  
32 before public sessions of committees of the Legislative Assembly, or public hearings of state agen-  
33 cies, and who, when testifying, registers an appearance in the records of the committees or agencies.

34 “(4) A person who [*spends not*] **does not spend** more than **an aggregate amount of** 24 hours  
35 during any calendar quarter lobbying and who does not spend an **aggregate** amount in excess of  
36 \$100 lobbying during any calendar quarter.

37 “(5) The Governor, [*Executive Assistant to*] **chief of staff for** the Governor, [*Legal Counsel*]  
38 **deputy chief of staff for the Governor, legal counsel** to the Governor, **deputy legal counsel to**  
39 **the Governor**, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040,  
40 State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, **chief of staff**  
41 **for the office of the State Treasurer**, Attorney General, Deputy Attorney General appointed  
42 pursuant to ORS 180.130, Superintendent of Public Instruction, Commissioner of the Bureau of Labor  
43 and Industries, **members and staff of the Oregon Law Commission who conduct the law re-**  
44 **vision program of the commission or** [*and*] any judge.

45 “**SECTION 6c.** ORS 171.740 is amended to read:

1 “171.740. (1) Within three [*working*] **business** days after exceeding the limit of time or expendi-  
2 ture specified in ORS 171.735 (4), a lobbyist shall register with the Oregon Government Standards  
3 and Practices Commission by filing with the commission a statement containing the following in-  
4 formation:

5 “(a) The name, address and telephone number of the lobbyist.

6 “(b) The name, address and telephone number of each person that employs the lobbyist or in  
7 whose interest the lobbyist appears or works.

8 “(c) A general description of the trade, business, profession or area of endeavor of any person  
9 designated under paragraph (b) of this subsection, and a statement by the person that the lobbyist  
10 is officially authorized to lobby for the person.

11 “(d) The name of any member of the Legislative Assembly employed, retained or otherwise  
12 compensated by:

13 “(A) The lobbyist designated under paragraph (a) of this subsection; or

14 “(B) A person designated under paragraph (b) of this subsection.

15 “(e) The general subject or subjects of the legislative action of interest to the person for whom  
16 the lobbyist is registered.

17 “(2) The designation of official authorization to lobby shall be signed by an official of each  
18 person that employs the lobbyist or in whose interest the lobbyist appears or works.

19 “(3) **A lobbyist must file a separate registration statement under this section for each**  
20 **person that employs the lobbyist or in whose interest the lobbyist appears or works.** If a  
21 lobbyist appears **or works** for a person for whom the lobbyist has not registered, the lobbyist shall  
22 register with the commission [*within three working days of the lobbyist’s appearance*] **not later than**  
23 **three business days after the day the lobbyist first appears or works for the person.**

24 “(4) If any of the information submitted by a lobbyist in the statement required under subsection  
25 (1) of this section changes, the lobbyist shall revise the statement within 30 days of the change.

26 “(5) A lobbyist registration expires December 31 of an odd-numbered year. If a lobbyist renews  
27 the registration before March 31 of the following even-numbered year, the commission shall consider  
28 the registration to have been effective as of December 31 of the odd-numbered year on which the  
29 registration expired.

30 “(6) For the statement required by this section, an entity comprised of more than one lobbyist  
31 may file one statement for the lobbyists [*that*] **who** comprise the entity. The statement the entity  
32 files must include the names of the individuals authorized to lobby on behalf of the client listed in  
33 the statement.”.

34 In line 17, delete “6” and insert “6d”.

35 In line 23, after “expended” insert “for food, refreshments and entertainment” and after “lobby-  
36 ing” insert a period.

37 Delete lines 24 through 28.

38 Delete lines 36 through 40.

39 In line 41, delete “(3)” and insert “(2)”.

40 On page 4, delete lines 3 through 6.

41 In line 7, delete “(5)” and insert “(3)”.

42 In line 8, restore “(3)” and delete “(2)”.

43 In line 9, delete “(6)” and insert “(4)”.

44 After line 27, insert:

45 “(c) The name of each registered lobbyist or entity comprised of more than one lobbyist to whom

1 the person paid moneys for lobbying activities on the person's behalf, excluding living and travel  
2 expenses incurred for a lobbyist performing lobbying services, and the total amount of moneys paid  
3 to that lobbyist or entity.”.

4 Delete lines 28 through 32.

5 In line 33, delete “(3)” and insert “(2)”.

6 In line 34, restore “(3)” and delete “(2)”.

7 On page 5, after line 42, insert:

8 “(e) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly  
9 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.”.

10 On page 6, line 7, delete “and”.

11 In line 9, delete the period and insert “; and

12 “(e) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS  
13 244.020 (5)(b).”.

14 Delete lines 18 through 45 and insert:

15 “**SECTION 9a.** ORS 244.290, as amended by section 9 of this 2007 Act, is amended to read:

16 “244.290. (1) The Oregon Government Standards and Practices Commission shall:

17 “(a) Prescribe forms for statements required by this chapter and provide the forms to persons  
18 required to file the statements under this chapter or resolution adopted under this chapter.

19 “(b) Prepare, publish and provide a manual setting forth recommended uniform methods of re-  
20 porting for use by persons filing statements under this chapter or resolution adopted under this  
21 chapter.

22 “(c) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
23 chapter.

24 “(d) Prepare and publish any reports the commission determines are necessary.

25 “(e) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly  
26 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

27 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
28 171.785 and 171.992 and this chapter, including rules to:

29 “(a) Create a procedure under which items before the commission may be treated under a con-  
30 sent calendar and voted on as a single item;

31 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
32 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
33 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
34 the public disclosure;

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

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

39 “(e) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS  
40 244.020 (5)(b).

41 “(3) The commission shall adopt by rule an electronic filing system under which statements re-  
42 quired to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act [may] **must** be filed,  
43 without a fee, with the commission in an electronic format. [*The commission shall accept statements*  
44 *filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a format that is not*  
45 *electronic.*]

1 “(4) The commission shall make statements filed under ORS 244.050 and 244.100 and section 35  
2 of this 2007 Act[, *including statements that are not filed in an electronic format,*] available in a  
3 searchable format for review by the public using the Internet.”.

4 On page 7, delete lines 1 and 2.

5 After line 4, insert:

6 **“SECTION 9c. If House Bill 2595 becomes law, sections 9 and 9a of this 2007 Act**  
7 **(amending ORS 244.290) and section 9b of this 2007 Act are repealed and ORS 244.290, as**  
8 **amended by section 3, chapter \_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is amended**  
9 **to read:**

10 “244.290. (1) The Oregon Government Ethics Commission shall:

11 “(a) Prescribe forms for statements required by this chapter and provide the forms to persons  
12 required to file the statements under this chapter or pursuant to a resolution adopted under ORS  
13 244.160.

14 “(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
15 chapter.

16 “(c) Prepare and publish reports the commission finds are necessary.

17 “(d) Make advisory opinions issued by the commission or the executive director of the commis-  
18 sion available to the public at no charge on the Internet.

19 “(e) Accept and file any information voluntarily supplied that exceeds the requirements of this  
20 chapter.

21 “(f) Make statements and other information filed with the commission available for public in-  
22 spection and copying during regular office hours, and make copying facilities available at a charge  
23 not to exceed actual cost.

24 **“(g) Not later than February 1 of each odd-numbered year, report to the Legislative As-**  
25 **sembly any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.**

26 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
27 171.785 and 171.992 and this chapter, including rules to:

28 “(a) Create a procedure under which items before the commission may be treated under a con-  
29 sent calendar and voted on as a single item;

30 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
31 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
32 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
33 the public disclosure;

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

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

38 “(e) Establish a procedure under which the commission shall conduct accuracy audits of a  
39 sample of reports or statements filed with the commission under this chapter or ORS 171.725 to  
40 171.785;

41 **“(f) Describe the application of provisions exempting items from the definition of ‘gift’ in**  
42 **ORS 244.020 (5)(b);**

43 “[*f*] (g) Specify when a continuing violation is considered a single violation or a separate and  
44 distinct violation for each day the violation occurs; and

45 “[*g*] (h) Set criteria for determining the amount of civil penalties that the commission may

1 impose.

2 “(3) The commission may adopt rules that:

3 “(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes  
4 that qualify under the class exception from the definition of ‘potential conflict of interest’ under ORS  
5 244.020;

6 “(b) Require the disclosure and reporting of gifts or other compensation made to or received by  
7 a public official or candidate for public office;

8 “(c) Establish criteria for cases in which information relating to notices of actual or potential  
9 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

10 “(d) Allow the commission to accept the filing of a statement containing less than all of the in-  
11 formation required under ORS 244.060 and 244.070 if the public official or candidate for public office  
12 certifies on the statement that the information contained on the statement previously filed is un-  
13 changed or certifies only as to any changed material.

14 “(4) Not less frequently than once each calendar year, the commission shall:

15 “(a) Consider adoption of rules the commission deems necessary to implement or interpret pro-  
16 visions of this chapter relating to issues the commission determines are of general interest to public  
17 officials or candidates for public office or that are addressed by the commission or by commission  
18 staff on a recurring basis; and

19 “(b) Review rules previously adopted by the commission to determine whether the rules have  
20 continuing applicability or whether the rules should be amended or repealed.

21 “(5) **The commission shall adopt by rule an electronic filing system under which state-  
22 ments required to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act may  
23 be filed, without a fee, with the commission in an electronic format. The commission shall  
24 accept statements filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a  
25 format that is not electronic.**

26 “(6) **The commission shall make statements filed under ORS 244.050 and 244.100 and sec-  
27 tion 35 of this 2007 Act, including statements that are not filed in an electronic format,  
28 available in a searchable format for review by the public using the Internet.**

29 “**SECTION 9d.** If House Bill 2595 becomes law, ORS 244.290, as amended by section 3, chapter  
30 \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), and section 9c of this 2007 Act, is amended to  
31 read:

32 “244.290. (1) The Oregon Government Ethics Commission shall:

33 “(a) Prescribe forms for statements required by this chapter and provide the forms to persons  
34 required to file the statements under this chapter or pursuant to a resolution adopted under ORS  
35 244.160.

36 “(b) Develop a filing, coding and cross-indexing system consistent with the purposes of this  
37 chapter.

38 “(c) Prepare and publish reports the commission finds are necessary.

39 “(d) Make advisory opinions issued by the commission or the executive director of the commis-  
40 sion available to the public at no charge on the Internet.

41 “(e) Accept and file any information voluntarily supplied that exceeds the requirements of this  
42 chapter.

43 “(f) Make statements and other information filed with the commission available for public in-  
44 spection and copying during regular office hours, and make copying facilities available at a charge  
45 not to exceed actual cost.

1 “(g) Not later than February 1 of each odd-numbered year, report to the Legislative Assembly  
2 any recommended changes to provisions of ORS 171.725 to 171.785 or this chapter.

3 “(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to  
4 171.785 and 171.992 and this chapter, including rules to:

5 “(a) Create a procedure under which items before the commission may be treated under a con-  
6 sent calendar and voted on as a single item;

7 “(b) Exempt a public official who is otherwise required to file a statement pursuant to ORS  
8 244.050 from filing the statement if the regularity, number and frequency of the meetings and actions  
9 of the body over which the public official has jurisdiction are so few or infrequent as not to warrant  
10 the public disclosure;

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

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

15 “(e) Establish a procedure under which the commission shall conduct accuracy audits of a  
16 sample of reports or statements filed with the commission under this chapter or ORS 171.725 to  
17 171.785;

18 “(f) Describe the application of provisions exempting items from the definition of ‘gift’ in ORS  
19 244.020 (5)(b);

20 “(g) Specify when a continuing violation is considered a single violation or a separate and dis-  
21 tinct violation for each day the violation occurs; and

22 “(h) Set criteria for determining the amount of civil penalties that the commission may impose.

23 “(3) The commission may adopt rules that:

24 “(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes  
25 that qualify under the class exception from the definition of ‘potential conflict of interest’ under ORS  
26 244.020;

27 “(b) Require the disclosure and reporting of gifts or other compensation made to or received by  
28 a public official or candidate for public office;

29 “(c) Establish criteria for cases in which information relating to notices of actual or potential  
30 conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or

31 “(d) Allow the commission to accept the filing of a statement containing less than all of the in-  
32 formation required under ORS 244.060 and 244.070 if the public official or candidate for public office  
33 certifies on the statement that the information contained on the statement previously filed is un-  
34 changed or certifies only as to any changed material.

35 “(4) Not less frequently than once each calendar year, the commission shall:

36 “(a) Consider adoption of rules the commission deems necessary to implement or interpret pro-  
37 visions of this chapter relating to issues the commission determines are of general interest to public  
38 officials or candidates for public office or that are addressed by the commission or by commission  
39 staff on a recurring basis; and

40 “(b) Review rules previously adopted by the commission to determine whether the rules have  
41 continuing applicability or whether the rules should be amended or repealed.

42 “(5) The commission shall adopt by rule an electronic filing system under which statements re-  
43 quired to be filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act [*may*] **must** be filed,  
44 without a fee, with the commission in an electronic format. [*The commission shall accept statements*  
45 *filed under ORS 244.050 and 244.100 and section 35 of this 2007 Act in a format that is not*

1 *electronic.]*

2 “(6) The commission shall make statements filed under ORS 244.050 and 244.100 and section 35  
3 of this 2007 Act[, *including statements that are not filed in an electronic format,*] available in a  
4 searchable format for review by the public using the Internet.

5 “**SECTION 9e. If House Bill 2595 becomes law, the amendments to ORS 244.290 by section**  
6 **9d of this 2007 Act become operative January 1, 2010.”.**

7 After line 26, insert:

8 “(4)(a) Except as provided in paragraph (b) of this subsection, the commission shall report, in  
9 the manner described in ORS 192.245, to the Legislative Assembly violations of any provision of ORS  
10 171.740 to 171.762, or any rule adopted under ORS 171.725 to 171.785, for which a penalty is imposed  
11 under this section. The report shall include the name of the person against whom the penalty was  
12 imposed and describe the nature of the violation.

13 “(b) The commission shall adopt rules specifying conditions under which repeated violations of  
14 ORS 171.745 or 171.750 involving a failure to file required statements in a timely fashion are re-  
15 ported to the Legislative Assembly.”.

16 In line 27, delete “(4)” and insert “(5)”.

17 On page 8, after line 14, insert:

18 “**SECTION 11a. If House Bill 2595 becomes law, section 11 of this 2007 Act (amending ORS**  
19 **244.350) is repealed and ORS 244.350, as amended by section 18, chapter \_\_, Oregon Laws 2007**  
20 **(Enrolled House Bill 2595), is amended to read:**

21 “244.350. (1) The Oregon Government Ethics Commission may impose civil penalties not to ex-  
22 ceed:

23 “(a) Except as provided in paragraph (b) of this subsection, \$5,000 for violation of any provision  
24 of this chapter or any resolution adopted under ORS 244.160.

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

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

28 “(b) A civil penalty may not be imposed under this subsection if the violation occurred as a re-  
29 sult of the governing body of the public body acting upon the advice of the public body’s counsel.

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

33 “(4)(a) The commission may impose civil penalties on a person who fails to file the statement  
34 required under ORS 244.050 **or 244.100 or section 35 of this 2007 Act**. In enforcing this subsection,  
35 the commission is not required to follow the procedures in ORS 244.260 before finding that a vio-  
36 lation of ORS 244.050 **or 244.100 or section 35 of this 2007 Act** has occurred.

37 “(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation  
38 of ORS 244.050 **or 244.100 or section 35 of this 2007 Act**.

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

42 “(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions  
43 that may be imposed under ORS 244.380.

44 “**(5) In lieu of or in conjunction with finding a violation of law or any resolution or im-**  
45 **posing a civil penalty under this section, the commission may issue a written letter of**

1 **reprimand, explanation or education.”.**

2 After line 24, insert:

3 **“SECTION 12a. If House Bill 2595 becomes law, section 12 of this 2007 Act (amending ORS**  
4 **244.360) is repealed and ORS 244.360, as amended by section 19, chapter \_\_, Oregon Laws 2007**  
5 **(Enrolled House Bill 2595), is amended to read:**

6 “244.360. In addition to civil penalties imposed under ORS 244.350, if a public official has fi-  
7 nancially benefited the public official or any other person by violating any provision of this chapter,  
8 the Oregon Government Ethics Commission [*or a court*] may impose upon the public official a civil  
9 penalty in an amount equal to twice the amount the public official or other person realized as a  
10 result of the violation.”.

11 On page 14, line 30, after “relative” insert “or member of the household”.

12 In line 32, after “relatives” insert “or members of the household”.

13 After line 37, insert:

14 “(A) Contributions as defined in ORS 260.005.

15 “(B) Gifts from relatives or members of the household of the public official.

16 “(C) Subject to applicable reporting requirements, food, lodging, travel or event registration  
17 expenses provided to a public official when the official participates in an official capacity at an  
18 event that bears a relationship to the public official’s office. For purposes of this subparagraph, a  
19 public official is considered to participate in an official capacity if the official is registered as at-  
20 tending the event or appears on the agenda of the event as a presenter.

21 “(D) Food or beverage provided to a public official or a relative or member of the household of  
22 the public official if the food or beverage is consumed by the public official or the relative or  
23 member of the household of the public official in the presence of the purchaser or provider of the  
24 food or beverage.

25 “(E) Waiver or discount of registration expenses or materials provided to a public official at a  
26 continuing education event that the public official may attend to satisfy a professional licensing  
27 requirement.

28 “(F) Waiver or discount of membership dues in professional organizations.

29 “(G) Publications supplied by a publisher or organization on a complimentary basis for use in  
30 an official capacity by the public official.”.

31 Delete lines 39 through 45.

32 On page 15, delete lines 1 through 39.

33 On page 16, line 39, delete “officer” and insert “elected official, appointed official”.

34 In line 41, after “means” insert a colon and delete the rest of the line.

35 Delete lines 42 and 43 and insert:

36 “(a) The spouse of the public official;

37 “(b) The domestic partner of the public official;

38 “(c) Any children of the public official or of the public official’s spouse;

39 “(d) Siblings, spouses of siblings or parents of the public official or of the public official’s spouse;

40 “(e) Any individual for whom the public official has a legal support obligation; or

41 “(f) Any individual for whom the public official provides benefits arising from the public official’s  
42 public employment or from whom the public official receives benefits arising from that individual’s  
43 employment.”.

44 In line 45, after “244.080” insert “or 244.100”.

45 On page 17, after line 7, insert:

1           “**SECTION 16a. If House Bill 2595 becomes law, section 16 of this 2007 Act (amending ORS**  
2 **244.020) is repealed and ORS 244.020, as amended by section 8, chapter \_\_, Oregon Laws 2007**  
3 **(Enrolled House Bill 2595), is amended to read:**

4           “244.020. As used in this chapter, unless the context requires otherwise:

5           “(1) ‘Actual conflict of interest’ means any action or any decision or recommendation by a per-  
6 son acting in a capacity as a public official, the effect of which would be to the private pecuniary  
7 benefit or detriment of the person or the person’s relative or any business with which the person  
8 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-  
9 cumstances described in subsection [(14)] (11) of this section.

10           “(2) ‘Business’ means any corporation, partnership, proprietorship, firm, enterprise, franchise,  
11 association, organization, self-employed individual and any other legal entity operated for economic  
12 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section  
13 501(c) of the Internal Revenue Code with which a public official or a relative of the public official  
14 is associated only as a member or board director or in a nonremunerative capacity.

15           “(3) ‘Business with which the person is associated’ means:

16           “(a) Any private business or closely held corporation of which the person or the person’s rela-  
17 tive is a director, officer, owner or employee, or agent or any private business or closely held cor-  
18 poration in which the person or the person’s relative owns or has owned stock, another form of  
19 equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding  
20 calendar year;

21           “(b) Any publicly held corporation in which the person or the person’s relative owns or has  
22 owned \$100,000 or more in stock or another form of equity interest, stock options or debt instru-  
23 ments at any point in the preceding calendar year;

24           “(c) Any publicly held corporation of which the person or the person’s relative is a director or  
25 officer; or

26           “(d) For public officials required to file a statement of economic interest under ORS 244.050, any  
27 business [*from which 50 percent or more of the total annual income of the person and members of the*  
28 *person’s household is derived during the current calendar year*] **listed as a source of income as**  
29 **required under ORS 244.060 (3).**

30           “[(4) ‘Commission’ means the Oregon Government Ethics Commission.]

31           “[(5)] (4) ‘Development commission’ means any entity which has the authority to purchase, de-  
32 velop, improve or lease land or the authority to operate or direct the use of land. This authority  
33 must be more than ministerial.

34           “[(6) ‘Expenditure’ has the meaning given that term in ORS 260.005.]

35           “[(7)] (5)(a) ‘Gift’ means something of economic value given to a public official or [*the public*  
36 *official’s*] **a relative or member of the household of the public official:**

37           “(A) Without valuable consideration of equivalent value, including the full or partial forgiveness  
38 of indebtedness, which is not extended to others who are not public officials or the relatives **or**  
39 **members of the household** of public officials on the same terms and conditions; **or** [*and something*  
40 *of economic value given to a public official or the public official’s relative*]

41           “(B) For valuable consideration less than that required from others who are not public officials.  
42 [*However, ‘gift’ does not mean:*]

43           “(b) ‘Gift’ does not mean:

44           “(A) Contributions as defined in ORS 260.005.

45           “(B) Gifts from relatives or members of the household of the public official.

1       “(C) Subject to applicable reporting requirements, food, lodging, travel or event registra-  
2       tion expenses provided to a public official when the official participates in an official ca-  
3       pacity at an event that bears a relationship to the public official’s office. For purposes of this  
4       subparagraph, a public official is considered to participate in an official capacity if the official  
5       is registered as attending the event or appears on the agenda of the event as a presenter.

6       “(D) Food or beverage provided to a public official or a relative or member of the  
7       household of the public official if the food or beverage is consumed by the public official or  
8       the relative or member of the household of the public official in the presence of the pur-  
9       chaser or provider of the food or beverage.

10       “(E) Waiver or discount of registration expenses or materials provided to a public official  
11       at a continuing education event that the public official may attend to satisfy a professional  
12       licensing requirement.

13       “(F) Waiver or discount of membership dues in professional organizations.

14       “(G) Publications supplied by a publisher or organization on a complimentary basis for  
15       use in an official capacity by the public official.

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

17       “[(b) Gifts from family members.]

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

21       “[(d) The giving or receiving of food or beverage if the food or beverage is consumed by the public  
22       official or the public official’s relatives in the presence of the purchaser or provider thereof.]

23       “[(e) The giving or receiving of entertainment if the entertainment is experienced by the public of-  
24       ficial or the public official’s relatives in the presence of the purchaser or provider thereof and the value  
25       of the entertainment does not exceed \$100 per person on a single occasion and is not greater than \$250  
26       in any one calendar year.]

27       “[(8)] (6) [*Honoraria*] ‘**Honorarium**’ means a payment or something of economic value given  
28       to a public official in exchange for services upon which custom or propriety prevents the setting of  
29       a price. Services include, but are not limited to, speeches or other services rendered in connection  
30       with an event [*at which the public official appears in an official capacity*].

31       “[(9)] (7) ‘Income’ means income of any nature derived from any source, including, but not lim-  
32       ited to, any salary, wage, advance, payment, dividend, interest, rent, [*honoraria*] **honorarium**, return  
33       of capital, forgiveness of indebtedness, or anything of economic value.

34       “[(10)] (8) ‘Legislative or administrative interest’ means an economic interest, distinct from that  
35       of the general public, in one or more bills, resolutions, regulations, proposals or other matters sub-  
36       ject to the action or vote of a person acting in the capacity of a public official.

37       “[(11) ‘Legislative official’ means any member or member-elect of the Legislative Assembly, any  
38       member of an agency, board or committee that is part of the legislative branch and any staff person,  
39       assistant or employee thereof.]

40       “[(12) ‘Member of household’ means any relative who resides with the public official.]

41       “(9) ‘**Member of the household**’ means any person who resides with the public official.

42       “[(13)] (10) ‘Planning commission’ means a county planning commission created under ORS  
43       chapter 215 or a city planning commission created under ORS chapter 227.

44       “[(14)] (11) ‘Potential conflict of interest’ means any action or any decision or recommendation  
45       by a person acting in a capacity as a public official, the effect of which could be to the private

1 pecuniary benefit or detriment of the person or the person’s relative, or a business with which the  
2 person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out  
3 of the following:

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

6 “(b) Any action in the person’s official capacity which would affect to the same degree a class  
7 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or  
8 other group including one of which or in which the person, or the person’s relative or business with  
9 which the person or the person’s relative is associated, is a member or is engaged.

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

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

13 “[15] (13) ‘Public official’ means any person who, when an alleged violation of this chapter  
14 occurs, is serving the State of Oregon or any of its political subdivisions or any other public body  
15 [of the state] **as defined in ORS 174.109** as an [officer] **elected official, appointed official**, employee,  
16 agent or otherwise, [and] irrespective of whether the person is compensated for [such] **the** services.

17 “[16] (14) ‘Relative’ means: [the spouse of the public official, any children of the public official  
18 or of the public official’s spouse, and brothers, sisters or parents of the public official or of the public  
19 official’s spouse.]

20 “(a) **The spouse of the public official;**

21 “(b) **The domestic partner of the public official;**

22 “(c) **Any children of the public official or of the public official’s spouse;**

23 “(d) **Siblings, spouses of siblings or parents of the public official or of the public official’s**  
24 **spouse;**

25 “(e) **Any individual for whom the public official has a legal support obligation; or**

26 “(f) **Any individual for whom the public official provides benefits arising from the public**  
27 **official’s public employment or from whom the public official receives benefits arising from**  
28 **that individual’s employment.**

29 “[17] (15) ‘Statement of economic interest’ means a statement as described by ORS 244.060 to  
30 244.080 **or 244.100.**

31 “[18] ‘Statewide official’ means the Secretary of State or Secretary of State-elect, State Treasurer  
32 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-  
33 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor  
34 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.]

35 “[19] (16) ‘Zoning commission’ means an entity to which is delegated at least some of the dis-  
36 cretionary authority of a planning commission or governing body relating to zoning and land use  
37 matters.”.

38 In line 17, after “relative” insert “or member of the household” in both places.

39 In line 23, after “relative” insert “or member of the household”.

40 In line 28, after “relative” insert “or member of the household”.

41 In line 31, after “relative” insert “or member of the household”.

42 In line 35, after “relative” insert “or member of the household”.

43 On page 18, after line 28, insert:

44 “(5) A person who has ceased to be a public official may not attempt to further or further the  
45 personal gain of any person through the use of confidential information gained in the course of or

1 by reason of holding position as a public official or the activities of the person as a public  
2 official.”.

3 In line 29, restore “(6)” and delete “(5)”.

4 In line 32, delete “(6)” and insert “(7)”.

5 In line 35, after “relative” insert “or member of the household”.

6 In line 36, delete “\$50” and insert “\$100”.

7 In line 43, after “relative” insert “or member of the household”.

8 In line 44, delete “\$50” and insert “\$100”.

9 On page 19, line 3, after “relative” insert “or member of the household”.

10 In line 4, delete “\$50” and insert “\$100”.

11 Delete lines 5 and 6.

12 In line 9, delete “person” and insert “public official or candidate for public office”.

13 After line 37, insert:

14 “(5) The name of each member of the household of the person who is 18 years of age or older.

15 “(6) The name of each relative of the person who is 18 years of age or older and not a member  
16 of the household of the person.”.

17 On page 20, delete lines 29 through 45 and insert:

18 “**SECTION 21.** ORS 244.100 is amended to read:

19 “244.100. [(1) *The Oregon Government Standards and Practices Commission by rule may require*  
20 *the disclosure and reporting of gifts or other compensation made to or received by a public official or*  
21 *candidate for elective office.*]

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

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

30 “(a) **Any gift with a value exceeding \$15 that is subject to the \$100 limit specified in sec-**  
31 **tion 18 of this 2007 Act and that was received by the public official or candidate or relative**  
32 **or member of the household of the public official or candidate. The statement shall include**  
33 **the name of each person who made a gift, the date each gift was received, the value of each**  
34 **gift and a description of the nature of each gift. If the public official or candidate does not**  
35 **receive notice under subsection (3) of this section of the value of the gift, the public official**  
36 **or candidate shall include on the statement a good faith estimate of the value of the gift.**

37 “(b) **Notwithstanding ORS 244.020 (5)(b)(C), any food, lodging, travel or event registration**  
38 **expenses with an aggregate value exceeding \$50 received by the public official when partic-**  
39 **ipating in an event that bears a relationship to the public official’s office and when appearing**  
40 **in an official capacity. The statement shall include the name, business title and business**  
41 **address of the person paying the expenses, the nature of the event and the date and amount**  
42 **of the expenditure.**

43 “(c) **Any honorarium of money exceeding \$15 received by the public official, candidate or**  
44 **member of the household of the official or candidate, the payer of each honorarium and the**  
45 **date and time of the event for which the honorarium was received.**

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

9       “(2) A person who makes a gift with a value exceeding \$15 that is subject to the \$100 limit  
10 specified in section 18 of this 2007 Act to a public official or candidate for public office who  
11 is required to file a statement of economic interest under ORS 244.050, or to a relative of the  
12 public official or candidate, shall file a statement of gifts made with the commission ac-  
13 cording to the schedule set forth in section 23 of this 2007 Act. If the person making a gift  
14 is a lobbyist registered with the commission under ORS 171.725 to 171.785, any gifts subject  
15 to this subsection may be reported on statements filed under ORS 171.745. A statement filed  
16 under this subsection shall include the name and address of the person filing the statement,  
17 the name of each person who received a gift, the date each gift was made, the value of each  
18 gift and a description of the nature of each gift. The commission by rule may require addi-  
19 tional information.

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

22       “(a) *[Any]* A person *[or organization that]* who provides a public official with food, lodging or  
23 travel expenses exceeding an aggregate value of \$50<sup>1</sup>*[, as described in ORS 244.060 (6),]* shall notify  
24 the public official in writing of the amount of the expense. The person shall provide the notice  
25 *[shall be sent]* to the public official *[within 10 days from]* not later than 10 days after the date  
26 *[such]* the expenses are incurred.

27       “(b) A person who makes a gift to a public official or candidate for public office, or to a  
28 relative of a public official or candidate, that must be listed on a statement filed under sub-  
29 section (1) of this section shall notify the public official or candidate in writing of the value  
30 of the gift. The person shall provide the notice not later than five days after the date the  
31 person makes the gift.

32       “SECTION 21a. If House Bill 2595 becomes law, section 21 of this 2007 Act (amending ORS  
33 244.100) is repealed and ORS 244.100, as amended by section 6, chapter \_\_, Oregon Laws 2007  
34 (Enrolled House Bill 2595), is amended to read:

35       “244.100. *[In addition to any disclosures or reports required under this chapter or rules adopted*  
36 *under ORS 244.290, any person or organization that provides a public official with food, lodging or*  
37 *travel expenses exceeding \$100, as described in ORS 244.060 (6), shall notify the public official in*  
38 *writing of the amount of the expense. The notice shall be sent to the public official within 10 days from*  
39 *the date the expenses are incurred.]*

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

44       “(a) Any gift with a value exceeding \$15 that is subject to the \$100 limit specified in sec-  
45 tion 18 of this 2007 Act and that was received by the public official or candidate or relative

1 or member of the household of the public official or candidate. The statement shall include  
2 the name of each person who made a gift, the date each gift was received, the value of each  
3 gift and a description of the nature of each gift. If the public official or candidate does not  
4 receive notice under subsection (3) of this section of the value of the gift, the public official  
5 or candidate shall include on the statement a good faith estimate of the value of the gift.

6 “(b) Notwithstanding ORS 244.020 (5)(b)(C), any food, lodging, travel or event registration  
7 expenses with an aggregate value exceeding \$50 received by the public official when partic-  
8 ipating in an event that bears a relationship to the public official’s office and when appearing  
9 in an official capacity. The statement shall include the name, business title and business  
10 address of the person paying the expenses, the nature of the event and the date and amount  
11 of the expenditure.

12 “(c) Any honorarium of money exceeding \$15 received by the public official, candidate or  
13 member of the household of the official or candidate, the payer of each honorarium and the  
14 date and time of the event for which the honorarium was received.

15 “(d) Each source of income exceeding an aggregate amount of \$1,000, whether or not  
16 taxable, received by the public official or candidate for public office, or a member of the  
17 household of the public official or candidate, if the source of that income is derived from an  
18 individual or business that has been doing business, does business or could reasonably be  
19 expected to do business with, or has legislative or administrative interest in, the govern-  
20 mental agency of which the public official holds, or the candidate if elected would hold, any  
21 official position or over which the public official exercises, or the candidate if elected would  
22 exercise, any authority.

23 “(2) A person who makes a gift with a value exceeding \$15 that is subject to the \$100 limit  
24 specified in section 18 of this 2007 Act to a public official or candidate for public office who  
25 is required to file a statement of economic interest under ORS 244.050, or to a relative of the  
26 public official or candidate, shall file a statement of gifts made with the commission ac-  
27 cording to the schedule set forth in section 23 of this 2007 Act. If the person making a gift  
28 is a lobbyist registered with the commission under ORS 171.725 to 171.785, any gifts subject  
29 to this subsection may be reported on statements filed under ORS 171.745. A statement filed  
30 under this subsection shall include the name and address of the person filing the statement,  
31 the name of each person who received a gift, the date each gift was made, the value of each  
32 gift and a description of the nature of each gift. The commission by rule may require addi-  
33 tional information.

34 “(3) In addition to statements required under subsections (1) and (2) of this section:

35 “(a) A person who provides a public official with food, lodging or travel expenses ex-  
36 ceeding an aggregate value of \$50 shall notify the public official in writing of the amount of  
37 the expense. The person shall provide the notice to the public official not later than 10 days  
38 after the date the expenses are incurred.

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

44 On page 21, delete lines 1 through 25.

45 In line 26, delete “Section 23 of this 2007 Act is” and insert “Sections 23 and 23a of this 2007

1 Act are”.

2 In line 36, delete “7” and insert “15”.

3 After line 37, insert:

4 **“SECTION 23a. (1) As used in this section:**

5 **“(a) ‘Public body’ has the meaning given that term in ORS 174.109.**

6 **“(b) ‘Public contract’ has the meaning given that term in ORS 279A.010.**

7 **“(2) Except as provided in subsection (3) of this section, a person may not, for two years**  
8 **after the person ceases to hold a position as a public official, have a direct beneficial financial**  
9 **interest in a public contract that was authorized by:**

10 **“(a) The person acting in the capacity of a public official; or**

11 **“(b) A board, commission, council, bureau, committee or other governing body of a public**  
12 **body of which the person was a member when the contract was authorized.**

13 **“(3) Subsection (2) of this section does not apply to a person who was a member of a**  
14 **board, commission, council, bureau, committee or other governing body of a public body**  
15 **when the contract was authorized, but who did not participate in the authorization of the**  
16 **contract.”.**

17 On page 22, after line 27, insert:

18 **“SECTION 25a. If House Bill 2595 becomes law, section 25 of this 2007 Act (amending ORS**  
19 **244.280) is repealed and ORS 244.280, as amended by section 12, chapter \_\_, Oregon Laws 2007**  
20 **(Enrolled House Bill 2595), is amended to read:**

21 “244.280. (1) Upon the written request of any person, or upon its own motion, the Oregon Gov-  
22 ernment Ethics Commission, under signature of the chairperson, may issue and publish written  
23 commission advisory opinions on the application of any provision of this chapter to any proposed  
24 transaction or action or any actual or hypothetical circumstance. A commission advisory opinion,  
25 and a decision by the commission to issue an advisory opinion on its own motion, must be approved  
26 by a majority of the members of the commission. Legal counsel to the commission shall review a  
27 proposed commission advisory opinion before the opinion is considered by the commission.

28 “(2) Not later than 60 days after the date the commission receives the written request for a  
29 commission advisory opinion, the commission shall issue either the opinion or a written denial of the  
30 request. The written denial shall explain the reasons for the denial. The commission may ask the  
31 person requesting the advisory opinion to supply additional information the commission considers  
32 necessary to render the opinion. The commission, by vote of a majority of the members of the com-  
33 mission, may extend the 60-day deadline by one period not to exceed 60 days.

34 “(3) Except as provided in this subsection, unless the commission advisory opinion is revised or  
35 revoked, the commission [*or a court*] may not impose a penalty under ORS 244.350 or 244.360 on a  
36 person for any good faith action the person takes in reliance on an advisory opinion issued under  
37 this section. The commission [*or a court*] may impose a penalty under ORS 244.350 or 244.360 on the  
38 person who requested the advisory opinion if the commission [*or court*] determines that the person  
39 omitted or misstated material facts in making the request.”.

40 On page 24, delete lines 5 through 8 and insert:

41 “(2) Proceeds from the trust fund may be used by the public official to defray legal expenses  
42 incurred by the public official in any civil, criminal or other legal proceeding or investigation that  
43 relates to or arises from the course and scope of duties of the person as a public official. The legal  
44 expenses must be incurred in connection with:

45 “(a) The issuance of a court’s stalking protective order under ORS 30.866 or 163.738;

1 “(b) The issuance of a citation under ORS 163.735;

2 “(c) A criminal prosecution under ORS 163.732;

3 “(d) A civil action under ORS 30.866;

4 “(e) Defending the public official in a proceeding or investigation brought or maintained by a  
5 public body as defined in ORS 174.109; or

6 “(f) Seeking affirmative relief in a collateral proceeding related to a proceeding or investigation  
7 threatened, brought or maintained against the public official by a public body as defined in ORS  
8 174.109.”.

9 On page 27, after line 38, insert:

10 “**SECTION 38a.** ORS 244.110 is amended to read:

11 “244.110. (1) Any statement of economic interest required to be filed by ORS 244.050, 244.060,  
12 244.070, 244.080, 244.090 or 244.100 **or by rule** shall contain or be verified by a written declaration  
13 that it is made under the penalties of false swearing. [*Such*] **The** declaration [*shall be*] **is** in lieu  
14 of any oath otherwise required.

15 “(2) [*No*] **A** person [*shall*] **may not** willfully make and subscribe any return statement or other  
16 document [*which*] **that** contains or is verified by a written declaration that it is made under penal-  
17 ties for false swearing, which the person does not believe to be true and correct to every matter.

18 “**SECTION 38b. If House Bill 2595 becomes law, section 38a of this 2007 Act (amending**  
19 **ORS 244.110) is repealed.**”.

20 After line 44, insert:

21 “**SECTION 39a.** ORS 244.390, as amended by section 2, chapter \_\_\_, Oregon Laws 2007 (En-  
22 rolled House Bill 2595), is amended to read:

23 “244.390. (1) A penalty or sanction imposed [*issued*] by the Oregon Government Ethics Commis-  
24 sion [*or a court*] under this chapter is in addition to and not in lieu of any other penalty or sanction  
25 that may be imposed according to law.

26 “(2) Before making a finding that there is cause to undertake an investigation under ORS  
27 244.260 and before imposing a civil penalty under ORS 244.350 or 244.360, the commission [*or a*  
28 *court*] shall consider the public interest and any other penalty or sanction that has been or may be  
29 imposed on the public official as a result of the same conduct that is the subject of action by the  
30 commission [*or court*] under ORS 244.260.

31 “(3) Nothing in this chapter is intended to affect:

32 “(a) Any statute requiring disclosure of economic interest by any public official or candidate for  
33 public office.

34 “(b) Any statute prohibiting or authorizing specific conduct on the part of any public official or  
35 candidate for public office.

36 “**SECTION 39b.** Section 5, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
37 amended to read:

38 “**Sec. 5.** (1) For the purpose of protecting against violations of the provisions of this chapter, a  
39 state agency, as defined in ORS 183.750, or a statewide association of public bodies, as defined in  
40 ORS 174.109, may adopt rules or policies interpreting the provisions of this chapter. The rules or  
41 policies must be consistent with the provisions of this chapter. A state agency or a statewide asso-  
42 ciation of public bodies may submit rules or policies adopted under this subsection to the Oregon  
43 Government Ethics Commission for review.

44 “(2) Upon receiving rules or policies submitted under subsection (1) of this section, the com-  
45 mission shall review the rules and policies to determine whether the rules and policies are consist-

1 ent with the provisions of this chapter. The commission, by a vote of a majority of the members of  
2 the commission, shall approve or reject the rules or policies. The commission shall notify the state  
3 agency or statewide association of public bodies in writing of the commission's approval or rejection.  
4 A written notice of rejection shall explain the reasons for the rejection.

5 “(3) Unless the applicable rule or policy is amended or repealed by the state agency or the  
6 statewide association of public bodies, the commission [*or a court*] may not impose a penalty under  
7 ORS 244.350 or 244.360 on a public official for any good faith action the official takes in compliance  
8 with a rule or policy that was adopted by the state agency that the official serves, or by a statewide  
9 association of which the public body that the official serves is a member, and approved by the  
10 commission under subsection (2) of this section.

11 “**SECTION 39c.** Section 14, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
12 amended to read:

13 “**Sec. 14.** (1) Upon the written request of any person, the executive director of the Oregon  
14 Government Ethics Commission may issue and publish written staff advisory opinions on the appli-  
15 cation of any provision of this chapter to any proposed transaction or action or any actual or hy-  
16 pothetical circumstance.

17 “(2) Not later than 30 days after the date the executive director receives the written request for  
18 a staff advisory opinion, the executive director shall issue either the opinion or a written denial of  
19 the request. The written denial shall explain the reasons for the denial. The executive director may  
20 ask the person requesting the advisory opinion to supply additional information the executive di-  
21 rector considers necessary to render the opinion. The executive director may extend the 30-day  
22 deadline by one period not to exceed 30 days. The executive director shall clearly designate an  
23 opinion issued under this section as a staff advisory opinion.

24 “(3) Except as provided in this subsection, unless the staff advisory opinion is revised or re-  
25 voked, before imposing any penalty under ORS 244.350 or 244.360, the commission [*or a court*] shall  
26 consider whether the action that may be subject to penalty was taken in reliance on a staff advisory  
27 opinion issued under this section. If a penalty may be imposed on the person who requested the  
28 opinion, the commission [*or court*] is not required to consider reliance on the opinion if the com-  
29 mission [*or court*] determines that the person omitted or misstated material facts in making the re-  
30 quest.

31 “(4) At each regular meeting of the commission, the executive director shall report to the com-  
32 mission on all staff advisory opinions issued since the last regular meeting of the commission. The  
33 commission on its own motion may issue a commission advisory opinion under ORS 244.280 on the  
34 same facts or circumstances that form the basis for any staff advisory opinion.

35 “**SECTION 39d.** Section 15, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
36 amended to read:

37 “**Sec. 15.** (1) Upon the written or oral request of any person, the executive director or other  
38 staff of the Oregon Government Ethics Commission may issue written or oral staff advice on the  
39 application of any provision of this chapter to any proposed transaction or action or any actual or  
40 hypothetical circumstance. Any written advice not designated as a staff advisory opinion under  
41 section 14, **chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595)**, [*of this 2007 Act*] is con-  
42 sidered staff advice issued under this section.

43 “(2) Before imposing any penalty under ORS 244.350 or 244.360, the commission [*or a court*] may  
44 consider whether the action that may be subject to penalty was taken in reliance on staff advice  
45 issued under this section.

1       “**SECTION 39e.** Section 40b, chapter \_\_\_, Oregon Laws 2007 (Enrolled House Bill 2595), is  
2 amended to read:

3       “**Sec. 40b.** (1) The amendments to ORS 244.250 by section 1, **chapter \_\_\_, Oregon Laws 2007**  
4 **(Enrolled House Bill 2595)**, [of this 2007 Act] are intended to change the name of the ‘Oregon  
5 Government Standards and Practices Commission’ to the ‘Oregon Government Ethics Commission.’

6       “(2) The amendments to ORS 244.345 by section 40a, **chapter \_\_\_, Oregon Laws 2007 (Enrolled**  
7 **House Bill 2595)**, [of this 2007 Act] are intended to change the name of the ‘Oregon Government  
8 Standards and Practices Commission Account’ to the ‘Oregon Government Ethics Commission Ac-  
9 count.’

10       “(3) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised  
11 Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon Government  
12 Standards and Practices Commission,’ wherever they occur in Oregon Revised Statutes, other words  
13 designating the ‘Oregon Government Ethics Commission.’

14       “(4) For the purpose of harmonizing and clarifying statute sections published in Oregon Revised  
15 Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon Government  
16 Standards and Practices Commission Account,’ wherever they occur in Oregon Revised Statutes,  
17 other words designating the ‘Oregon Government Ethics Commission Account.’

18       “**(5) Any reference to the Oregon Government Standards and Practices Commission in**  
19 **an Act enacted by the Seventy-fourth Legislative Assembly and not published in Oregon Re-**  
20 **vised Statutes is considered a reference to the Oregon Government Ethics Commission.**

21       “**(6) Any reference to the Oregon Government Standards and Practices Commission Ac-**  
22 **count in an Act enacted by the Seventy-fourth Legislative Assembly and not published in**  
23 **Oregon Revised Statutes is considered a reference to the Oregon Government Ethics Com-**  
24 **mission Account.”.**

25       Delete line 45 and insert:

26       “**SECTION 40.** (1) Sections 4, 5, 15a, 15b, 18, 22, 23, 23a, 24, 28 and 29 to 37 of this 2007 Act  
27 and the amendments to ORS 171.725, 171.730, 171.735, 171.740, 171.745, 171.750, 171.772, 171.992,  
28 244.020, 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.110, 244.280, 244.290, 244.350, 244.360,  
29 260.407, 293.708, 351.067 and 353.270 by sections 6 to 8, 9, 10 to 15, 16, 17, 19 to 21, 25 to 27, 38 and  
30 38a of this 2007 Act become operative January 1, 2008.”.

31       On page 28, delete lines 1 through 4.

32       In line 12, delete “6” and insert “6d”.

33       In line 14, delete “6” and insert “6d”.

34       On page 29, after line 27, insert:

35       “**SECTION 46.** (1) **Except as provided in subsections (2) and (3) of this section, section 23a**  
36 **of this 2007 Act and the amendments to ORS 244.040 (5) by section 17 of this 2007 Act apply**  
37 **to public officials who cease to hold positions as public officials on or after January 1, 2008.**

38       “(2) **Except as provided in subsection (3) of this section, section 23a of this 2007 Act and**  
39 **the amendments to ORS 244.040 (5) by section 17 of this 2007 Act apply to public officials**  
40 **holding elective public office whose terms of office begin, or who are appointed to the office,**  
41 **on or after January 1, 2008.**

42       “(3) **Section 23a of this 2007 Act applies to an individual who ceases to hold the position**  
43 **of State Treasurer on or after January 1, 2008.**

44       “**SECTION 47.** If House Bill 2595 becomes law, section 40 of this 2007 Act is amended to read:

45       “**Sec. 40.** (1) Sections 4, 5, 15a, 15b, 18, 22, 23, 23a, 24, 28 and 29 to 37 of this 2007 Act and the

1 amendments to ORS 171.725, 171.730, 171.735, 171.740, 171.745, 171.750, 171.772, 171.992, 244.020,  
2 244.040, 244.045, 244.050, 244.060, 244.070, 244.100, 244.110, 244.280, 244.290, 244.350, 244.360, 260.407,  
3 293.708, 351.067 and 353.270 by sections 6 to 8, [9] **9c**, 10, **11a**, **12a**, **13** to 15, [16] **16a**, 17, 19 [to  
4 21], **20**, **21a**, [25 to] **25a**, **26**, 27, 38 and 38a of this 2007 Act become operative January 1, 2008.

5 “(2) The Oregon Government [*Standards and Practices*] **Ethics** Commission and any other public  
6 body as defined in ORS 174.109 may adopt rules or take any other action before the operative date  
7 specified in subsection (1) of this section that is necessary to enable the commission or public body  
8 to exercise, on or after the operative date specified in subsection (1) of this section, all the duties,  
9 functions and powers conferred on the commission or public body by this 2007 Act.

10 “**SECTION 48.** If House Bill 2595 becomes law, section 41 of this 2007 Act is amended to read:

11 “**Sec. 41.** (1) Section 5 of this 2007 Act and the amendments to ORS 171.745 and 171.750 by  
12 sections 6d and 7 of this 2007 Act apply to statements required to be filed for reporting periods  
13 beginning on or after January 1, 2008.

14 “(2) The first statement filed under ORS 171.745, as amended by section 6d of this 2007 Act, shall  
15 include amounts expended prior to January 1, 2008, that were not included in a statement filed prior  
16 to January 1, 2008.

17 “(3) Notwithstanding ORS 171.750, as amended by section 7 of this 2007 Act, a person required  
18 to file a statement under ORS 171.750 for the calendar year 2007 shall file the statement not later  
19 than January 31, 2008.

20 “(4) The amendments to ORS 171.772 and 244.290 by sections 8 and [9] **9c** of this 2007 Act apply  
21 to statements required to be filed on or after January 1, 2008.

22 “(5) The amendments to ORS 171.992 and 244.350 by sections 10 and [11] **11a** of this 2007 Act  
23 apply to:

24 “(a) Violations of any provision of ORS 171.740 to 171.762, any rule adopted under ORS 171.725  
25 to 171.785, ORS chapter 244 or any resolution adopted under ORS [*chapter 244*] **244.160** occurring  
26 on or after January 1, 2008;

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

28 “(c) Statements of economic interest required to be filed on or after January 1, 2008.

29 “(6) The amendments to ORS 244.360 by section [12] **12a** of this 2007 Act apply to violations of  
30 any provision of ORS chapter 244 occurring prior to, on or after January 1, 2008.

31 “(7) The amendments to ORS 244.050 by section 13 of this 2007 Act apply to statements of eco-  
32 nomic interest required to be filed on or after January 1, 2008.

33 “(8) The amendments to ORS 260.407 by section 14 of this 2007 Act apply to expenditures or  
34 distributions of contributions made on or after January 1, 2008.

35 “(9) The amendments to ORS 244.045 by section 15 of this 2007 Act apply to persons who cease  
36 being members of the Legislative Assembly on or after January 1, 2008.

37 “**SECTION 49.** If House Bill 2595 becomes law, section 42 of this 2007 Act is amended to read:

38 “**Sec. 42.** (1) Section 18 of this 2007 Act applies to gifts received or made on or after January  
39 1, 2008.

40 “(2) The amendments to ORS 244.020 and 244.040 by sections [16] **16a** and 17 of this 2007 Act  
41 apply to activities that occur on or after January 1, 2008.

42 “(3) Section 24 of this 2007 Act applies to honoraria solicited or received on or after January  
43 1, 2008.

44 “(4) The amendments to ORS 244.060 and 244.100 by sections 19 and [21] **21a** of this 2007 Act  
45 apply to expenses received or paid on or after January 1, 2008. A public official shall list on the first

1 statement of economic interest filed after January 1, 2008, all expenses the public official received  
2 prior to January 1, 2008, that were:

3 “(a) Required to be reported under ORS 244.060 on the day before January 1, 2008; and

4 “(b) Were not reported on a previous statement of economic interest the public official filed.

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

7 “**SECTION 50.** If House Bill 2595 becomes law, section 43 of this 2007 Act is amended to read:

8 “**Sec. 43.** (1) Sections 29 to 37 of this 2007 Act and the amendments to ORS 244.020, 244.040 and  
9 244.350 by sections [11, 16] **11a, 16a** and 17 of this 2007 Act apply to legal expense trust funds es-  
10 tablished for legal proceedings commenced prior to, on or after January 1, 2008.

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

13 “**SECTION 51.** If House Bill 2595 becomes law, section 45 of this 2007 Act is amended to read:

14 “**Sec. 45.** (1) The amendments to ORS 244.020, 244.050, 244.060 and 244.070 by sections 13, [16]  
15 **16a**, 19 and 20 of this 2007 Act apply to statements required to be filed with the Oregon Government  
16 [*Standards and Practices*] **Ethics** Commission for reporting periods beginning on or after January  
17 1, 2008.

18 “(2) Section 23 of this 2007 Act and the amendments to ORS 244.100 by section [21] **21a** of this  
19 2007 Act apply to statements required to be filed and notices required to be provided for reporting  
20 periods beginning on or after January 1, 2008.”.

21 In line 28, delete “46” and insert “52”.

22 In line 31, delete “47” and insert “53”.

23 /s/ Vicki Berger  
24 Representative

25 /s/ Sal Esquivel  
26 Representative

27 \_\_\_\_\_  
28