

HOUSE AMENDMENTS TO HOUSE BILL 2595

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 4

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and lines 3 through
2 5 and insert “162.005, 171.745, 171.750, 171.772, 171.778, 244.010, 244.020, 244.050, 244.055, 244.090,
3 244.100, 244.110, 244.115, 244.130, 244.160, 244.195, 244.250, 244.260, 244.270, 244.280, 244.290, 244.300,
4 244.310, 244.320, 244.340, 244.350, 244.360, 244.370, 244.380, 244.390, 244.400, 293.708 and 469.810; re-
5 pealing ORS 244.030, 244.080, 244.180, 244.190 and 244.201; and declaring an emergency.”.

6 On page 3, line 2, delete “, or a written reprimand issued,”.

7 Delete lines 24 through 26.

8 In line 27, delete “(c)” and insert “(b)”.

9 In line 29, delete “(d)” and insert “(c)”.

10 In line 30, delete “(e)” and insert “(d)”.

11 After line 31, insert:

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

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

17 On page 5, line 16, after “244.290,” insert “and each trading statement required to be filed under
18 ORS 244.055”.

19 In line 23, delete “of economic interest”.

20 On page 7, delete lines 31 through 45 and insert:

21 “**SECTION 9.** ORS 244.130 is amended to read:

22 “244.130. (1) When a public official gives notice of an actual or potential conflict of interest, **the**
23 **public body as defined in ORS 174.109 that the public official serves shall record** the actual or
24 potential conflict [*shall be recorded*] in the official records of the public body[, *and*]. **In addition**, a
25 notice of the actual or potential conflict and how it was disposed of may in the discretion of the
26 public body be provided **to** the Oregon Government Standards and Practices Commission within a
27 reasonable period of time. [*The commission may by rule establish criteria for cases in which such in-*
28 *formation shall, shall not, or may be provided to it.*]

29 “(2) [*No*] **A** decision or action of any public official or any board or commission on which the
30 public official serves or agency by which the public official is employed [*shall*] **may not** be voided
31 by any court solely by reason of the failure of the public official to disclose an actual or potential
32 conflict of interest.”.

33 On page 8, delete lines 1 through 14 and insert:

34 “**SECTION 10.** ORS 244.195 is amended to read:

35 “244.195. (1) [*The city recorder or county clerk, respectively, shall provide to every person newly*

1 *elected or appointed to any city or county office for which statements of financial interest are required*
2 *under ORS 244.050 information about the requirements of ORS 244.050, 244.060, 244.070, 244.080 and*
3 *244.090] A person designated by a public body as defined in ORS 174.109 shall provide infor-*
4 **mation explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly**
5 **elected or appointed public official serving the public body who is required to file a verified**
6 **statement of economic interest under ORS 244.050. The information must be received by the**
7 **public official** either at the first meeting attended by the [*new officer*] **public official** or before the
8 [*officer*] **public official** takes the oath of office, whichever [*is*] **occurs** first.

9 “(2) At the time of fulfilling duties under subsection (1) of this section, the [*city recorder or*
10 *county clerk*] **person designated by the public body** shall provide to each [*new officer*] **newly**
11 **elected or appointed public official serving the public body** a copy of the statements and expla-
12 nation provided to the [*city recorder or county clerk*] **public body** under subsection (3) of this section.

13 “(3) The Oregon Government Standards and Practices Commission shall provide copies of the
14 statements described in ORS 244.060, 244.070[, 244.080] and 244.090 and an explanation of the re-
15 quirements of the law relating to the statements to each [*city recorder and county clerk*] **public body**
16 **that is served by a public official who is required to file a statement described in ORS 244.060,**
17 **244.070 or 244.090.**

18 “(4) [*Any person described in subsection (1) of this section*] **A newly elected or appointed public**
19 **official serving a public body** who is not informed of the filing requirements under ORS 244.050,
20 244.060, 244.070[, 244.080] and 244.090 and provided with a copy of the statements and explanation
21 [*described in subsection (3) of*] **as required under** this section before **attending the first meeting**
22 **or** taking the oath of office may resign that office within 90 days thereafter or before the next date
23 specified in ORS 244.050 for the filing of a statement, whichever is [*longer*] **later**, without filing [*any*
24 *statement*] **a verified statement of economic interest** and without **incurring** a sanction or penalty
25 that might otherwise be imposed for not filing.”.

26 On page 10, delete lines 23 through 45 and delete pages 11 and 12.

27 On page 13, delete lines 1 through 19 and insert:

28 “**SECTION 17.** ORS 244.050 is amended to read:

29 “244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
30 Government Standards and Practices Commission a verified statement of economic interest as re-
31 quired under this chapter:

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

35 “(b) Any judicial officer, including justices of the peace and municipal judges, except [*municipal*
36 *judges in those cities where a majority of the votes cast in the subject city in the 1974 general election*
37 *was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974*
38 *(special session), and except*] any pro tem judicial officer who does not otherwise serve as a judicial
39 officer.

40 “(c) Any candidate for [*an*] **a public** office designated in paragraph (a) or (b) of this subsection.

41 “(d) The Deputy Attorney General.

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

44 “(f) The Chancellor and Vice Chancellors of the Oregon University System and the president
45 and vice presidents, or their administrative equivalents, in each institution under the jurisdiction

1 of the State Board of Higher Education.

2 “(g) The following state officers:

3 “(A) Adjutant General.

4 “(B) Director of Agriculture.

5 “(C) Manager of State Accident Insurance Fund Corporation.

6 “(D) Water Resources Director.

7 “(E) Director of Department of Environmental Quality.

8 “(F) Director of Oregon Department of Administrative Services.

9 “(G) State Fish and Wildlife Director.

10 “(H) State Forester.

11 “(I) State Geologist.

12 “(J) Director of Human Services.

13 “(K) Director of the Department of Consumer and Business Services.

14 “(L) Director of the Department of State Lands.

15 “(M) State Librarian.

16 “(N) Administrator of Oregon Liquor Control Commission.

17 “(O) Superintendent of State Police.

18 “(P) Director of the Public Employees Retirement System.

19 “(Q) Director of Department of Revenue.

20 “(R) Director of Transportation.

21 “(S) Public Utility Commissioner.

22 “(T) Director of Veterans’ Affairs.

23 “(U) Executive Director of Oregon Government Standards and Practices Commission.

24 “(V) Director of the State Department of Energy.

25 “(W) Director and each assistant director of the Oregon State Lottery.

26 “(h) Any assistant in the Governor’s office other than personal secretaries and clerical person-
27 nel.

28 “(i) Every elected city or county official [*except elected officials in those cities or counties where*
29 *a majority of votes cast in the subject city or county in any election on the issue of filing statements*
30 *of economic interest under this chapter was in opposition*].

31 “(j) Every member of a city or county planning, zoning or development commission [*except such*
32 *members in those cities or counties where a majority of votes cast in the subject city or county at any*
33 *election on the issue of filing statements of economic interest under this chapter was in opposition to*
34 *the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session)*].

35 “(k) The chief executive officer of a city or county who performs the duties of manager or
36 principal administrator of the city or county [*except such employees in those cities or counties where*
37 *a majority of votes cast in the subject city or county in an election on the issue of filing statements of*
38 *economic interest under this chapter was in opposition*].

39 “(L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

40 “(m) Every member of a governing body of a metropolitan service district and the executive of-
41 ficer thereof.

42 “(n) Each member of the board of directors of the State Accident Insurance Fund Corporation.

43 “(o) The chief administrative officer and the financial officer of each common and union high
44 school district, education service district and community college district.

45 “(p) Every member of the following state boards and commissions:

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

1 section at the preceding primary election by write-in votes, shall file with the commission a state-
2 ment of economic interest as required under ORS 244.060, 244.070 and 244.090.

3 “[5] *The Legislative Assembly shall maintain a continuing review of the operation of this*
4 *chapter.*]

5 “[6] (5) Subsections (1) to [5] (4) of this section apply only to persons who are incumbent,
6 elected or appointed **public** officials as of April 15 and to persons who are candidates for **public**
7 office on April 15. [Those sections] **Subsections (1) to (4) of this section** also apply to persons who
8 do not become candidates until 30 days after the filing deadline for the statewide general election.

9 “[7(a)] (6) [Failure to file the statement required by this section subjects a person to a civil pen-
10 alty that may be imposed as specified in ORS 183.745, but the enforcement of this subsection does not
11 require the Oregon Government Standards and Practices Commission to follow the procedures in ORS
12 244.260 before finding that a violation of this section has occurred.]

13 “[b] Failure to file the required statement in timely fashion shall be prima facie evidence of a vi-
14 olation of this section.]

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

23 “[d] A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions
24 that may be imposed under ORS 244.380.]”.

25 In line 21, delete “or the court under”.

26 In line 22, delete “ORS 244.260 (8)”.

27 In line 35, after the period insert “In enforcing this subsection,”.

28 Delete line 45.

29 On page 14, delete line 1.

30 In line 22, after “chapter” insert “or a resolution adopted under ORS 244.160”.

31 On page 15, delete lines 41 through 45 and delete pages 16 through 19.

32 On page 20, delete lines 1 through 23 and insert:

33 34 “COMMISSION ADJUDICATION PROCESSES

35
36 “**SECTION 23.** ORS 244.260 is amended to read:

37 “244.260. [(1)(a) Upon its own instigation or signed complaint of any person, the Oregon Govern-
38 ment Standards and Practices Commission may undertake action in the Preliminary Review Phase with
39 respect to the contents of any statements filed under this chapter or resolution adopted pursuant thereto
40 or any alleged violation of any provision of this chapter.]

41 “[b] The public official who is the subject of a complaint or of the commission’s own action shall
42 be notified immediately upon receipt of the complaint or upon adoption of a motion by the commission
43 to undertake any action concerning the public official. The notice shall be given by telephone if the
44 official can be reached and shall also be in writing mailed to the official. The notice shall include the
45 nature of the complaint or motion and a copy of all materials submitted along with the complaint or

1 materials which give rise to the commission's instigation of action on its own motion. However, the
2 official must also be notified in advance if an issue that may give rise to a motion to undertake action
3 on the commission's own instigation is to be discussed at a commission meeting.]

4 “[(c) Before investigating any complaint or undertaking any investigation at the commission's own
5 instigation, if the public official who is the subject of the complaint or of the commission's own action
6 is a member of the Legislative Assembly, the commission shall determine whether the alleged violation
7 of any provision of this chapter involves conduct protected by section 9, Article IV of the Oregon
8 Constitution. If the commission determines that the conduct is protected by section 9, Article IV of the
9 Oregon Constitution, the commission shall dismiss the complaint or rescind its motion as provided in
10 paragraph (e) of this subsection.]

11 “[(d) If the complaint has not been dismissed or the motion of the commission has not been
12 rescinded as described in paragraph (c) of this subsection, before investigating any complaint or
13 undertaking an investigation on the commission's own instigation, the commission shall make a finding
14 that there is cause to undertake an investigation, notify the public official who is the subject of the in-
15 vestigation, identify the issues to be examined and shall confine its investigation to those issues. If the
16 commission finds reason to expand its investigation, it shall move to do so and shall record in its
17 minutes the issues to be examined before expanding the scope of its investigation and formally notify
18 the complainant and the public official who is the subject of the complaint of the expansion and the
19 scope thereof.]

20 “[(e) If the commission does not make a finding of cause, or if the commission determines that the
21 alleged violation of this chapter involves conduct protected by section 9, Article IV of the Oregon
22 Constitution, the commission shall dismiss the complaint or rescind its motion and shall formally enter
23 the dismissal or rescission on its records. The commission shall notify the public official of the dis-
24 missal or rescission. After dismissal or rescission, the commission shall take no further action involving
25 the public official unless a new and different complaint is filed or action at its own instigation is
26 undertaken based on different conduct.]

27 “[(2) The commission may:]

28 “[(a) During the Preliminary Review Phase, seek, solicit or otherwise obtain any books, papers,
29 records, memoranda or other additional information, administer oaths and take depositions necessary
30 to determine whether there is cause or if the alleged violation is protected by section 9, Article IV of
31 the Oregon Constitution; and]

32 “[(b) During the Investigatory Phase, require any additional information, administer oaths, take
33 depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers,
34 records, memoranda or other information necessary to complete the investigation. If any person fails
35 to comply with any subpoena issued under this section or refuses to testify on any matters on which
36 the person may be lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to
37 compel compliance.]

38 “[(3) The person conducting any inquiry or investigation shall do so in an impartial, objective
39 manner. All favorable and unfavorable information collected by the investigator shall be turned over
40 to the commission.]

41 “[(4) The findings of the commission in any inquiry or investigation shall be reported impartially,
42 including both favorable and unfavorable findings, and shall be made available to the public official
43 who is the subject thereof, to the appointing authority, if any, and to the Attorney General for state
44 public officials and to the appropriate district attorney for local public officials. The findings shall be
45 made available to the Commission on Judicial Fitness and Disability in any investigation involving a

1 judge.]

2 “[(5) Hearings relating to any charge of alleged violation of this chapter must be held before an
3 administrative law judge assigned from the Office of Administrative Hearings established under ORS
4 183.605. The procedure shall be that for a contested case under ORS chapter 183.]

5 “(1)(a) Any person may file with the Oregon Government Standards and Practices Com-
6 mission a signed written complaint alleging that there has been a violation of any provision
7 of this chapter or of any rule adopted by the commission under this chapter. The complaint
8 shall state the person’s reason for believing that a violation occurred and include any evi-
9 dence relating to the alleged violation.

10 “(b) If at any time the commission has reason to believe that there has been a violation
11 of a provision of this chapter or of a rule adopted by the commission under this chapter, the
12 commission may proceed under this section on its own motion as if the commission had re-
13 ceived a complaint.

14 “(2)(a) Not later than two business days after receiving a complaint under this section,
15 the commission shall notify the person who is the subject of the complaint.

16 “(b) Before approving a motion to proceed under this section without a complaint, the
17 commission shall provide notice to the person believed to have committed the violation of
18 the time and place of the meeting at which the motion will be discussed. If the commission
19 decides to proceed on its own motion, the commission shall give notice to the person not
20 later than two business days after the motion is approved.

21 “(c) The commission shall give notice of the complaint or motion to a person by mail and
22 by telephone if the person can be reached by telephone. The notice must describe the nature
23 of the alleged violation. The mailed notice must include copies of all materials submitted with
24 a complaint. If the commission will consider a motion to proceed without a complaint, the
25 notice must provide copies of all materials that the commission will consider at the hearing
26 on the motion.

27 “(3) After receiving a complaint or deciding to proceed on its own motion, the commis-
28 sion shall undertake action in the Preliminary Review Phase to determine whether there is
29 cause to undertake an investigation. If the person who is the subject of the action is a
30 member of the Legislative Assembly, the commission shall determine whether the alleged
31 violation involves conduct protected by section 9, Article IV of the Oregon Constitution.

32 “[6)(a)] (4)(a) [The period of time from the filing of a complaint or from acting on the commission’s
33 own instigation to the finding of cause or dismissal of the complaint or rescission of the motion shall
34 be termed the Preliminary Review Phase and shall not exceed 90 days unless] **The Preliminary Re-
35 view Phase begins on the date the complaint is filed or the date the commission decides to
36 proceed on its own motion and ends on the date the commission determines there is cause
37 to undertake an investigation, dismisses the complaint or rescinds its own motion. The
38 Preliminary Review Phase may not exceed 135 days unless:**

39 “(A) A delay is stipulated to by both the [public official] person who is the subject of action
40 under this section and the [Oregon Government Standards and Practices] commission with the
41 commission reserving a portion of the delay period to complete its actions[.]; or

42 “(B) A complaint is filed under this section with respect to a person who is a candidate
43 for elective public office, the complaint is filed within 61 days before the date of an election
44 at which the person is a candidate for nomination or election and a delay is requested in
45 writing by the candidate. If the candidate makes a request under this subparagraph, the

1 Preliminary Review Phase must be completed not later than 135 days after the date of the
2 first meeting of the commission that is held after the date of the election.

3 “(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise
4 obtain any books, papers, records, memoranda or other additional information, administer
5 oaths and take depositions necessary to determine whether there is cause to undertake an
6 investigation or whether the alleged violation involves conduct protected by section 9, Article
7 IV of the Oregon Constitution.

8 “[b] (c) The Preliminary Review Phase [shall be] is confidential. Commission members and staff
9 may acknowledge receipt of a complaint but [shall make no] may not make any public comment
10 or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person
11 who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed
12 \$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the com-
13 mission or its staff may file a petition in a court of competent jurisdiction in the county in which
14 the petitioner resides in order to enforce the civil penalty provided in this paragraph.

15 “[c] (d) [The commission’s deliberations of a case at the conclusion of the Preliminary Review
16 Phase shall be conducted] At the conclusion of the Preliminary Review Phase, the commission
17 shall conduct its deliberations in executive session. All case related materials and proceedings
18 shall be open to the public after the commission makes a finding of cause to undertake an inves-
19 tigation, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review
20 Phase, the executive director of the commission shall prepare a statement of the facts determined
21 during the phase, including appropriate legal citations and relevant authorities. Before presentation
22 to the commission, the executive director’s statement shall be reviewed by legal counsel to the
23 commission.

24 “[d] (e) The time limit imposed in this subsection and the commission’s inquiry are suspended
25 if:

26 “(A) There is a pending criminal investigation that relates to the issues arising out of the
27 underlying facts or conduct at issue in the matter before the commission unless the parties stipulate
28 otherwise; or

29 “(B) A court has enjoined the commission from continuing its inquiry.

30 “(5)(a) If the commission determines that there is not cause to undertake an investi-
31 gation or that the alleged violation of this chapter involves conduct protected by section 9,
32 Article IV of the Oregon Constitution, the commission shall dismiss the complaint or rescind
33 its motion and formally enter the dismissal or rescission in its records. The commission shall
34 notify the person who is the subject of action under this section of the dismissal or
35 rescission. After dismissal or rescission, the commission may not take further action in-
36 volving the person unless a new and different complaint is filed or action on the commis-
37 sion’s own motion is undertaken based on different conduct.

38 “(b) If the commission makes a finding of cause to undertake an investigation, the com-
39 mission shall undertake action in the Investigatory Phase. The commission shall notify the
40 person who is the subject of the investigation, identify the issues to be examined and confine
41 the investigation to those issues. If the commission finds reason to expand the investigation,
42 the commission shall move to do so, record in its minutes the issues to be examined before
43 expanding the scope of its investigation and formally notify the complainant, if any, and the
44 person who is the subject of the investigation of the expansion and the scope of the investi-
45 gation.

1 “[(7)(a)] **(6)(a)** [*The period of time from the finding of cause to the beginning of any contested case*
2 *proceedings shall be termed the Investigatory Phase and shall*] **The Investigatory Phase begins on**
3 **the date the commission makes a finding of cause to undertake an investigation and ends**
4 **on the date the commission dismisses the complaint, rescinds its own motion, issues a**
5 **settlement order, moves to commence a contested case proceeding or takes other action**
6 **justified by the findings. The Investigatory Phase may not exceed [120] 180 days unless a delay**
7 **is stipulated to by both the [public official] person who is the subject of action under this section**
8 **and the [Oregon Government Standards and Practices] commission with the commission reserving a**
9 **portion of the delay period to complete its actions.**

10 **“(b) During the Investigatory Phase, the commission may seek any additional informa-**
11 **tion, administer oaths, take depositions and issue subpoenas to compel attendance of wit-**
12 **nesses and the production of books, papers, records, memoranda or other information**
13 **necessary to complete the investigation. If any person fails to comply with any subpoena is-**
14 **sued under this paragraph or refuses to testify on any matters on which the person may be**
15 **lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to**
16 **compel compliance.**

17 “[(b)] **(c)** The time limit imposed in this subsection and the commission’s investigation are sus-
18 **pending if:**

19 **“(A)** There is a pending criminal investigation that relates to the issues arising out of the
20 **underlying facts or conduct at issue in the matter before the commission unless the parties stipulate**
21 **otherwise; or**

22 **“(B)** A court has enjoined the commission from continuing its investigation.

23 “[(c)] **(d)** At the end of the Investigatory Phase, the commission shall take action by order[,
24 *which*]. **The action may include:**

25 **“(A)** Dismissal, with or without comment;

26 **“(B)** Continuation of the investigation [*to determine further facts, but no more than one contin-*
27 *uation, not to exceed 30 days’ duration, shall be taken*] **for a period not to exceed 30 days for the**
28 **purpose of additional fact-finding;**

29 **“(C)** Moving to a contested case proceeding;

30 **“(D)** Seeking **or entering into** a negotiated settlement; or

31 **“(E)** Taking other appropriate action if justified by the findings.

32 **“(e) The commission may move to a contested case proceeding if the commission deter-**
33 **mines that the information presented to the commission is sufficient to make a preliminary**
34 **finding of a violation of any provision of this chapter or of any rule adopted by the commis-**
35 **sion under this chapter.**

36 “[(8) *If, at the end of the Investigatory Phase, the commission takes action by order to move to a*
37 *contested case proceeding, a public official may notify the commission that the official elects to have the*
38 *commission file a lawsuit against the official in the Marion County Circuit Court in lieu of the con-*
39 *tested case proceeding. The public official shall notify the commission of the election in writing no later*
40 *than 21 days after receiving notification of the commission’s action by order to move to the contested*
41 *case proceeding. The commission shall file suit within 30 days after receiving notice that the public*
42 *official has elected the lawsuit procedure.*]

43 **“(7) A person conducting any inquiry or investigation under this section shall:**

44 **“(a) Conduct the inquiry or investigation in an impartial and objective manner; and**

45 **“(b) Provide to the commission all favorable and unfavorable information the person**

1 collects.

2 “(8) The commission shall report the findings of any inquiry or investigation in an im-
3 partial manner. The commission shall report both favorable and unfavorable findings and
4 shall make the findings available to:

5 “(a) The person who is the subject of the inquiry or investigation;

6 “(b) The appointing authority, if any;

7 “(c) The Attorney General, if the findings relate to a state public official;

8 “(d) The appropriate district attorney, if the findings relate to a local public official; and

9 “(e) The Commission on Judicial Fitness and Disability, if the findings relate to a judge.

10 “(9) Hearings conducted under this chapter must be held before an administrative law
11 judge assigned from the Office of Administrative Hearings established under ORS 183.605.
12 The procedure shall be that for a contested case under ORS chapter 183.

13 “[9] (10) The Oregon Government Standards and Practices Commission [shall] may not in-
14 quire into or investigate any [complaint or act at its own instigation on alleged] conduct that oc-
15 curred more than four years before [the] a complaint is filed or [action is undertaken] a motion is
16 approved under subsection (1) of this section.

17 “[10] (11) [Nothing in this section is intended to] This section does not prevent the commission
18 and the [public official or other] person alleged to have violated any provision of this chapter or
19 any rule adopted by the commission under this chapter from stipulating to a finding of fact
20 concerning the violation and consenting to an appropriate penalty. The commission shall enter an
21 order [accordingly] based on the stipulation and consent.

22 “(12) At any time during proceedings conducted under this section, the commission may
23 enter into a negotiated settlement with the person who is the subject of action under this
24 section.

25 “[11] (13) As used in this section:

26 “(a) ‘Cause’ means that there is a substantial, objective basis for believing that an offense or
27 violation may have been committed and the person who is the subject of an inquiry may have com-
28 mitted the offense or violation.

29 “(b) ‘Pending’ means that a prosecuting attorney is either actively investigating the factual basis
30 of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has
31 obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of ne-
32 gotiating a plea.

33 “**SECTION 24.** ORS 171.778 is amended to read:

34 “171.778. (1) *Upon its own instigation or signed complaint of any person, the Oregon Government*
35 *Standards and Practices Commission may undertake action in the Preliminary Review Phase with re-*
36 *spect to any alleged violation of ORS 171.725 to 171.785. The person who is the subject of a complaint*
37 *or of the commission’s own action shall be notified immediately upon receipt of the complaint or upon*
38 *adoption of a motion by the commission to undertake any action concerning the person. The notice shall*
39 *be given by telephone if the person can be reached and a notice shall also be mailed to the person. The*
40 *notice shall include the nature of the complaint or motion and a copy of all materials submitted along*
41 *with the complaint or materials which give rise to the commission’s instigation of action on its own*
42 *motion. However, the person must also be notified in advance if an issue that may give rise to a motion*
43 *to undertake action on the commission’s own instigation is to be discussed at a commission meeting.*
44 *Before investigating any complaint or undertaking an investigation on its own instigation, the com-*
45 *mission shall make a finding that there is cause to undertake an investigation, notify the person who*

1 is the subject of the investigation, identify the issues to be examined and shall confine its investigation
2 to those issues. If the commission finds reason to expand its investigation, it shall move to do so and
3 shall record in its minutes the issues to be examined before expanding the scope of its investigation and
4 formally notify the complainant and the person who is the subject of the complaint of the expansion
5 and the scope thereof. If the commission does not make a finding of cause, it shall dismiss the com-
6 plaint or rescind its motion and shall formally enter the dismissal or rescission on its records. The
7 commission shall notify the person of the dismissal or rescission. After dismissal or rescission, the
8 commission shall take no further action involving the person unless a new and different complaint is
9 filed or action at its own instigation is undertaken based on different conduct.]

10 “[2] The commission may:]

11 “[(a) During the Preliminary Review Phase, seek, solicit or otherwise obtain any books, papers,
12 records, memoranda or other additional information, administer oaths, and take depositions necessary
13 to determine whether there is cause; and]

14 “[(b) During the Investigatory Phase, require any additional information, administer oaths, take
15 depositions and issue subpoenas to compel attendance of witnesses and the production of books, papers,
16 records, memoranda or other information necessary to complete the investigation. If any person fails
17 to comply with any subpoena issued under this section or refuses to testify on any matters on which
18 the person may be lawfully interrogated, the procedure provided in ORS 183.440 shall be followed to
19 compel compliance.]

20 “[(3) The person conducting any inquiry or investigation shall do so in an impartial, objective
21 manner. All favorable and unfavorable information collected by the investigator shall be turned over
22 to the commission.]

23 “[(4) The findings of the commission in any inquiry or investigation shall be reported impartially,
24 including both favorable and unfavorable findings, and shall be made available to the person who is
25 the subject thereof and to any employer of the person.]

26 “[(5) Hearings relating to any charge of alleged violation of ORS 171.725 to 171.785 must be held
27 before an administrative law judge assigned from the Office of Administrative Hearings established
28 under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.]

29 “(1)(a) **Any person may file with the Oregon Government Standards and Practices Com-**
30 **mission a signed written complaint alleging that there has been a violation of any provision**
31 **of ORS 171.725 to 171.785 or of any rule adopted by the commission under ORS 171.725 to**
32 **171.785. The complaint shall state the person’s reason for believing that a violation occurred**
33 **and include any evidence relating to the alleged violation.**

34 “(b) **If at any time the commission has reason to believe that there has been a violation**
35 **of a provision of ORS 171.725 to 171.785 or of a rule adopted by the commission under ORS**
36 **171.725 to 171.785, the commission may proceed under this section on its own motion as if**
37 **the commission had received a complaint.**

38 “(2)(a) **Not later than two business days after receiving a complaint under this section,**
39 **the commission shall notify the person who is the subject of the complaint.**

40 “(b) **Before approving a motion to proceed under this section without a complaint, the**
41 **commission shall provide notice to the person believed to have committed the violation of**
42 **the time and place of the meeting at which the motion will be discussed. If the commission**
43 **decides to proceed on its own motion, the commission shall give notice to the person not**
44 **later than two business days after the motion is approved.**

45 “(c) **The commission shall give notice of the complaint or motion to a person by mail and**

1 by telephone if the person can be reached by telephone. The notice must describe the nature
2 of the alleged violation. The mailed notice must include copies of all materials submitted with
3 a complaint. If the commission will consider a motion to proceed without a complaint, the
4 notice must provide copies of all materials that the commission will consider at the hearing
5 on the motion.

6 **“(3) After receiving a complaint or deciding to proceed on its own motion, the commis-**
7 **sion shall undertake action in the Preliminary Review Phase to determine whether there is**
8 **cause to undertake an investigation.**

9 *“[(6)(a)] (4)(a) [The period of time from the filing of a complaint or from acting on the commission’s*
10 *own instigation to the finding of cause or dismissal of the complaint or rescission of the motion shall*
11 *be termed the Preliminary Review Phase and shall not exceed 90 days]* **The Preliminary Review**
12 **Phase begins on the date the complaint is filed or the date the commission decides to proceed**
13 **on its own motion and ends on the date the commission determines there is cause to**
14 **undertake an investigation, dismisses the complaint or rescinds its own motion. The Pre-**
15 **liminary Review Phase may not exceed 135 days** unless a delay is stipulated to by both the sub-
16 ject person and the [Oregon Government Standards and Practices] commission, with the commission
17 reserving a portion of the delay period to complete its actions.

18 **“(b) During the Preliminary Review Phase, the commission may seek, solicit or otherwise**
19 **obtain any books, papers, records, memoranda or other additional information, administer**
20 **oaths and take depositions necessary to determine whether there is cause to undertake an**
21 **investigation.**

22 *“[(b)] (c) The Preliminary Review Phase [shall be] is confidential. Commission members and staff*
23 *may acknowledge receipt of a complaint but [shall make no] may not make any public comment*
24 *or publicly disclose any materials relating to a case during the Preliminary Review Phase. A person*
25 *who intentionally violates this paragraph is subject to a civil penalty in an amount not to exceed*
26 *\$1,000. Any person aggrieved as a result of a violation of this paragraph by a member of the com-*
27 *mission or its staff may file a petition in a court of competent jurisdiction in the county in which*
28 *the petitioner resides in order to enforce the civil penalty provided in this paragraph.*

29 *“[(c)] (d) [The commission’s deliberations of a case at the conclusion of the Preliminary Review*
30 *Phase shall be conducted]* **At the conclusion of the Preliminary Review Phase, the commission**
31 **shall conduct its deliberations** in executive session. All case related materials and proceedings
32 shall be open to the public after the commission makes a finding of cause **to undertake an inves-**
33 **tigation**, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review
34 Phase, the executive director of the commission shall prepare a statement of the facts determined
35 during the phase, including appropriate legal citations and relevant authorities. Before presentation
36 to the commission, the executive director’s statement shall be reviewed by legal counsel to the
37 commission.

38 *“[(d)] (e) The time limit imposed in this subsection and the commission’s inquiry are suspended*
39 *if:*

40 *“(A) There is a pending criminal investigation that relates to the issues arising out of the*
41 *underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate*
42 *otherwise; or*

43 *“(B) A court has enjoined the commission from continuing its inquiry.*

44 **“(5)(a) If the commission determines that there is not cause to undertake an investi-**
45 **gation, the commission shall dismiss the complaint or rescind its motion and formally enter**

1 the dismissal or rescission in its records. The commission shall notify the person who is the
2 subject of the inquiry of the dismissal or rescission. After dismissal or rescission, the com-
3 mission may not take further action involving the person unless a new and different com-
4 plaint is filed or action on the commission's own motion is undertaken based on different
5 conduct.

6 “(b) If the commission makes a finding of cause to undertake an investigation, the com-
7 mission shall undertake action in the Investigatory Phase. The commission shall notify the
8 person who is the subject of the investigation, identify the issues to be examined and confine
9 the investigation to those issues. If the commission finds reason to expand the investigation,
10 the commission shall move to do so, record in its minutes the issues to be examined before
11 expanding the scope of its investigation and formally notify the complainant, if any, and the
12 person who is the subject of the investigation of the expansion and the scope of the investi-
13 gation.

14 “[7](a) (6)(a) *[The period of time from the finding of cause to the beginning of any contested case*
15 *proceedings shall be termed the Investigatory Phase and shall]* **The Investigatory Phase begins on**
16 **the date the commission makes a finding of cause to undertake an investigation and ends**
17 **on the date the commission dismisses the complaint, rescinds its own motion, issues a**
18 **settlement order, moves to commence a contested case proceeding or takes other action**
19 **justified by the findings. The Investigatory Phase may not exceed [120] 180 days unless a delay**
20 **is stipulated to by both the subject person and the [Oregon Government Standards and Practices]**
21 **commission, with the commission reserving a portion of the delay period to complete its actions.**

22 “(b) **During the Investigatory Phase, the commission may seek any additional informa-**
23 **tion, administer oaths, take depositions and issue subpoenas to compel attendance of wit-**
24 **nesses and the production of books, papers, records, memoranda or other information**
25 **necessary to complete the investigation. If any person fails to comply with any subpoena is-**
26 **sued under this paragraph or refuses to testify on any matters on which the person may be**
27 **lawfully interrogated, the commission shall follow the procedure described in ORS 183.440 to**
28 **compel compliance.**

29 “[b] (c) The time limit imposed in this subsection and the commission's investigation are sus-
30 pended if:

31 “(A) There is a pending criminal investigation that relates to the issues arising out of the
32 underlying facts or conduct at issue in the matter before the commission, unless the parties stipulate
33 otherwise; or

34 “(B) A court has enjoined the commission from continuing its investigation.

35 “[c] (d) At the end of the Investigatory Phase, the commission shall take action by order[,
36 *which*]. **The action may include:**

37 “(A) Dismissal, with or without comment;

38 “(B) Continuation of the investigation [*to determine further facts, but no more than one contin-*
39 *uation, not to exceed 30 days' duration, shall be taken]* **for a period not to exceed 30 days for the**
40 **purpose of additional fact-finding;**

41 “(C) Moving to a contested case proceeding;

42 “(D) Seeking **or entering into** a negotiated settlement; or

43 “(E) Taking other appropriate action if justified by the findings.

44 “(e) **The commission may move to a contested case proceeding if the commission deter-**
45 **mines that the information presented to the commission is sufficient to make a preliminary**

1 **finding of a violation of any provision of ORS 171.725 to 171.785 or of any rule adopted by the**
2 **commission under ORS 171.725 to 171.785.**

3 “[8] *If, at the end of the Investigatory Phase, the commission takes action by order to move to a*
4 *contested case proceeding, a person may notify the commission that the person elects to have the com-*
5 *mission file a lawsuit against the person in the Marion County Circuit Court in lieu of the contested*
6 *case proceeding. The court may impose the penalty described in ORS 171.992. The person shall notify*
7 *the commission of the election in writing no later than 21 days after receiving notification of the com-*
8 *mission’s action by order to move to the contested case proceeding. The commission shall file suit*
9 *within 30 days after receiving notice that the person has elected the lawsuit procedure.]*

10 **“(7) A person conducting any inquiry or investigation under this section shall:**

11 **“(a) Conduct the inquiry or investigation in an impartial and objective manner; and**

12 **“(b) Provide to the commission all favorable and unfavorable information the person**
13 **collects.**

14 **“(8) The commission shall report the findings of any inquiry or investigation in an im-**
15 **partial manner. The commission shall report both favorable and unfavorable findings and**
16 **shall make the findings available to:**

17 **“(a) The person who is the subject of the inquiry or investigation; and**

18 **“(b) Any employer of the person.**

19 **“(9) Hearings conducted under ORS 171.725 to 171.785 must be held before an adminis-**
20 **trative law judge assigned from the Office of Administrative Hearings established under ORS**
21 **183.605. The procedure shall be that for a contested case under ORS chapter 183.**

22 “[9] **(10) The commission [shall] may not inquire into or investigate any [complaint or act at**
23 *its own instigation on alleged]* **conduct that occurred more than four years before [the] a complaint**
24 **is filed or [action is undertaken] a motion is approved under subsection (1) of this section.**

25 “[10] **(11) [Nothing in this section is intended to] This section does not prevent the commission**
26 **and the person alleged to have violated any provision of ORS 171.725 to 171.785 or any rule**
27 **adopted by the commission under ORS 171.725 to 171.785 from stipulating to a finding of fact**
28 **concerning the violation and consenting to an appropriate penalty. The commission shall enter an**
29 **order [accordingly] based on the stipulation and consent.**

30 **“(12) At any time during proceedings conducted under this section, the commission may**
31 **enter into a negotiated settlement with the person who is the subject of action under this**
32 **section.**

33 “[11] **(13) As used in this section, ‘cause’ and ‘pending’ have the meanings given those terms**
34 **in ORS 244.260.**

35 **“SECTION 25. ORS 244.370 is amended to read:**

36 **“244.370. (1) Any civil penalty under ORS 244.350 or 244.360 shall be imposed in the manner**
37 **prescribed by ORS 183.745.**

38 **“(2) Notwithstanding ORS 183.745, a hearing [shall be] is required in all cases prior to imposi-**
39 **tion of a penalty unless the public official or candidate waives the hearing. The public official or**
40 **candidate to whom the notice is addressed [shall have] has 10 days from the date of service of the**
41 **notice in which to waive a hearing before the Oregon Government Standards and Practices Com-**
42 **mission and the public official or candidate shall be so notified.**

43 **“(3) All penalties recovered under ORS 244.350 and 244.360 shall be paid into the State Treasury**
44 **and credited to the General Fund.**

45 **“SECTION 26. ORS 244.400 is amended to read:**

1 “244.400. (1) A [public official or person described in ORS 171.778] **person** who prevails following
2 a contested case hearing under this chapter **or ORS 171.778** [or a lawsuit under ORS 244.260] shall
3 be awarded reasonable attorney fees at the conclusion of the contested case or on appeal.

4 “(2) Upon prevailing following [the conclusion of] a contested case **hearing** or lawsuit, the
5 [public official or] person may petition the [Circuit Court for] Marion County **Circuit Court** for the
6 purpose of determining the award of reasonable attorney fees. The Oregon Government Standards
7 and Practices Commission shall be named as a respondent in the petition. The petitioner and re-
8 spondent shall follow the procedure provided in ORCP 68 for the determination of reasonable at-
9 torney fees. The court shall give precedence on its docket to petitions filed under this subsection
10 as the circumstances may require.

11 “(3) [The Court of Appeals] **An appellate court** shall award reasonable attorney fees to the
12 [public official or] person if the [public official] **person** prevails on appeal from any [decisions] **de-**
13 **cision** of the commission [or of the Marion County Circuit Court].

14 “(4) Attorney fees to be awarded under this section shall be only those fees incurred by the
15 [public official or] person from the time the commission notifies the [public official or] person that
16 it has entered an order to move to a contested case proceeding.

17 “(5) Any attorney fees awarded to the [public official] **person** pursuant to this section shall be
18 paid **by the commission from moneys appropriated or allocated to the commission** from the
19 General Fund.

20 21 “MISCELLANEOUS PROVISIONS

22
23 “**SECTION 27.** ORS 171.772 is amended to read:

24 “171.772. In carrying out the provisions of ORS 171.725 to 171.785, the Oregon Government
25 Standards and Practices Commission shall:

26 “(1) Prescribe **by rule** forms for registrations, statements and reports required to be filed by
27 ORS 171.725 to 171.785, and provide [such] **the** forms to persons required to register and to file
28 [such] **the** statements and reports;

29 “(2) Accept and file any information voluntarily supplied that exceeds the requirements of ORS
30 171.725 to 171.785; and

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

34 “**SECTION 28.** ORS 244.010 is amended to read:

35 “244.010. (1) The Legislative Assembly [hereby] declares that [a public office] **service as a public**
36 **official** is a public trust[,] and that, as one safeguard for that trust, the people require all public
37 officials to [adhere to the code of ethics set forth in ORS 244.040] **comply with the applicable pro-**
38 **visions of this chapter.**

39 “(2) The Legislative Assembly recognizes that it is the policy of the state to have serving on
40 many state and local boards and commissions state and local officials who may have potentially
41 conflicting public responsibilities by virtue of their positions as public officials and also as members
42 of the boards and commissions, and declares it to be the policy of the state that the holding of such
43 offices does not constitute the holding of incompatible offices unless expressly stated in the enabling
44 legislation.

45 “**SECTION 29.** ORS 244.055 is amended to read:

1 “244.055. (1) In addition to the statement required by ORS 244.050, the State Treasurer and any
2 person listed under ORS 244.050 (1)(q) and this subsection shall file quarterly at a time fixed by the
3 State Treasurer a trading statement listing all stocks, bonds and other types of securities purchased
4 or sold during the preceding quarter:

5 “(a) Directors of the Cash Management Division and the Debt Management Division.

6 “(b) Equities, fixed income, short term fund, real estate, equities real estate and commercial and
7 mortgage real estate investment officers and assistant investment officers.

8 “(c) Fixed income and short term fund investment analysts.

9 “(2) The statement required by subsection (1) of this section shall be filed for review with the
10 State Treasurer, the Attorney General and the Division of Audits of the office of the Secretary of
11 State. The content of the statement is confidential.

12 “(3) If the State Treasurer or the Chief Deputy State Treasurer determines that a conflict of
13 interest exists for an officer or employee, the State Treasurer shall subject the person to appropriate
14 discipline, including dismissal or termination of the contract, or both, pursuant to rule. If the State
15 Treasurer has cause to believe that a violation of this chapter has occurred, the State Treasurer
16 shall file a complaint with the Oregon Government Standards and Practices Commission under ORS
17 244.260.

18 “(4) If the State Treasurer fails to act on an apparent conflict of interest under subsection (3)
19 of this section or if the statement of the State Treasurer or the Chief Deputy State Treasurer ap-
20 pears to contain a conflict of interest, the Director of the Division of Audits shall report the failure
21 or apparent conflict to the Attorney General, who may file a complaint with the commission.

22 “[5] *A person filing the statement required by subsection (1) of this section must verify that the*
23 *statement is complete and accurate. A person who intentionally fails to file a complete and accurate*
24 *statement commits a Class C felony and may also be subject to ORS 162.075.]*

25 “**SECTION 30. Section 31 of this 2007 Act is added to and made a part of ORS chapter 244.**

26 “**SECTION 31. A person who intentionally fails to file a complete and accurate statement**
27 **under ORS 244.055 commits a Class C felony.**

28 “**SECTION 32.** ORS 244.090 is amended to read:

29 “244.090. (1) Each public official [*of this state*] or candidate required to [*make*] **file** a statement
30 of economic interest **under this chapter** shall [*report by*] **include on the statement the name of**
31 any compensated lobbyist who, during the preceding calendar year, was associated with a business
32 with which the public official or candidate or a member of the household of the public official or
33 candidate was also associated. [*Holding stock in a publicly traded corporation in which the lobbyist*
34 *also holds stock is not a relationship for which a statement is required.*]

35 “**(2) Subsection (1) of this section does not apply if the only relationship between the**
36 **public official or candidate and the lobbyist is that the public official or candidate and**
37 **lobbyist hold stock in the same publicly traded corporation.**

38 “[2] **(3)** As used in this section, ‘lobbyist’ has the meaning [*set forth*] **given that term** in ORS
39 171.725.

40 “**SECTION 33.** ORS 244.115 is amended to read:

41 “244.115. (1) Each member of Congress from this state and each candidate for [*a seat in*
42 *Congress*] **nomination or election to the office of United States Representative in Congress**
43 **or United States Senator** from this state shall file with the Oregon Government Standards and
44 Practices Commission a copy of the federal ethics filing required under federal law or by congres-
45 sional rule.

1 **“(2) The member or candidate shall file the information required under subsection (1) of**
2 **this section not later than** [*within*] 30 days after the filing date required under federal law or
3 congressional rule. If the filing is not made in a timely manner, the commission shall obtain copies
4 of the filing and indicate [*thereon*] **on the filing** that the filing was not made with the commission
5 by the member [*of Congress*] or candidate.

6 **“(3) All** [*such*] filings **made under this section** are public records available for public in-
7 spection.

8 **“SECTION 34.** ORS 244.160 is amended to read:

9 “244.160. (1) Any political subdivision in this state, other than a city or county, by resolution
10 may require any public official of the subdivision to file a verified statement of economic interest[.
11 *The filing shall be made*] with the Oregon Government Standards and Practices Commission.

12 **“(2) The political subdivision shall file a copy of the resolution** [*A copy of the ordinance shall*
13 *be filed*] with the commission.

14 **“SECTION 35.** ORS 244.300 is amended to read:

15 “244.300. (1) Records of the Oregon Government Standards and Practices Commission [*shall*
16 *constitute*] **are** public records of this state.

17 **“(2) All information submitted to the commission in any statement required under this**
18 **chapter is a public record.**

19 **“SECTION 36.** ORS 244.320 is amended to read:

20 “244.320. (1) The Oregon Government Standards and Practices Commission shall [*cause to have*
21 *prepared and published*] **prepare and publish** a manual on government ethics that explains in terms
22 understandable to legislative and public officials and the public the requirements of this chapter and
23 the commission’s interpretation of those requirements whether stated by rule or in an opinion. **The**
24 **manual shall set forth recommended uniform reporting methods for use by persons filing**
25 **statements under this chapter.**

26 **“(2) In preparing the manual,** the commission shall [*be guided in preparing its manual by*]
27 **consider the format of** the manual prepared by the Attorney General to guide public officials and
28 the public in the requirements of ORS chapter 192.

29 **“(3) The** [*manual required by this section shall be updated*] **commission shall update the**
30 **manual** as often as the commission believes necessary but no less frequently than once every four
31 years.

32 **“(4) The commission shall make copies of the manual available in an electronic format**
33 **on the Internet.**

34 **“SECTION 37.** ORS 244.340 is amended to read:

35 “244.340. The Oregon Government Standards and Practices Commission shall prepare and pres-
36 ent a program of continuing education for public officials. [*and lobbyists. For this purpose,*] The
37 commission may use its own staff or may contract for the preparation [*and*] **or** presentation of [*this*
38 *program, or both*] **the program of continuing education.**

39 **“SECTION 38.** ORS 469.810 is amended to read:

40 “469.810. (1) A Pacific Northwest Electric Power and Conservation Planning Council member[,]
41 or member of the council member’s household[, *as defined in ORS 244.020, shall*] **may** not own or
42 have any beneficial interest in any stock or indebtedness of any utility or direct service industry.

43 **“(2) A council member[,] or a member of [a] the council member’s household[, as defined in ORS**
44 **244.020, shall] may** not be a director, officer, agent or employee of any utility or direct service in-
45 dustry.

1 “(3) A council member[,] or a member of [a] **the** council member’s household[, *as defined in ORS*
2 *244.020, shall*] **may** not be a director, officer, agent or employee of or hold any proprietary interest
3 in any consulting firm [*which*] **that** does business with any utility or direct service industry.

4 “(4) A council member[,] or a member of the council member’s household[, *as defined in ORS*
5 *244.020, shall*] **may** not receive any compensation from any utility or direct service industry arising
6 out of the member’s business, trade or profession.

7 “(5) A council member [*shall be considered*] **is** a public official [*and be*] subject to the provisions
8 **and reporting requirements** of ORS chapter 244[, *including the reporting requirements thereof*].

9 “(6) A council member [*shall*] **must** be a citizen of the United States and [*have been a resident*
10 *of*] **must have resided in** the State of Oregon for **at least** one year preceding appointment.

11 “(7) A council member [*shall*] **may** not hold any other elected or appointed [*public*] lucrative
12 **public** office or be principally engaged in any other business or vocation.

13 “(8) As used in this section:

14 “(a) ‘Beneficial interest’ does not include an interest in a pension fund, a mutual fund or an in-
15 surance fund.

16 “(b) ‘Consulting firm’ means any corporation, partnership or sole proprietorship whose principal
17 business is providing personal services.

18 “(c) ‘**Member of the household**’ means any relative who resides with the council member.

19 “(d) ‘**Relative**’ means the spouse of the council member, any children of the council
20 member or of the council member’s spouse, and brothers, sisters or parents of the council
21 member or of the council member’s spouse.

22 “[*(c)*] (e) ‘Utility or direct service industry’ means a utility or direct service industry customer
23 that purchases electrical energy directly from the Bonneville Power Administration.”.

24 In line 27, delete “31” and insert “39”.

25 On page 21, line 16, delete “32” and insert “40”.

26 Delete lines 34 through 42 and insert:

27 28 “TRANSITION PROVISIONS

29
30 “**SECTION 41. ORS 244.030, 244.080, 244.180, 244.190 and 244.201 are repealed.**

31 “**SECTION 42. ORS 244.340 and 244.345 are added to and made a part of ORS chapter 244.**

32 “**SECTION 43.** (1) Sections 4, 5, 13, 14, 15, 30 and 31 of this 2007 Act, the amendments to ORS
33 162.005, 171.745, 171.750, 171.772, 171.778, 244.010, 244.020, 244.050, 244.055, 244.090, 244.100, 244.110,
34 244.115, 244.130, 244.160, 244.195, 244.250, 244.260, 244.270, 244.280, 244.290, 244.300, 244.310, 244.320,
35 244.340, 244.350, 244.360, 244.370, 244.380, 244.390, 244.400, 293.708 and 469.810 by sections 1 to 3, 6
36 to 12, 16 to 29 and 32 to 40 of this 2007 Act and the repeal of ORS 244.030, 244.080, 244.180, 244.190
37 and 244.201 by section 41 of this 2007 Act become operative on January 1, 2008.”.

38 On page 22, line 5, delete “35” and insert “44”.

39 In line 13, delete “36” and insert “45” and delete “Section 30 of this 2007 Act and”.

40 In line 16, delete “37” and insert “46”.

41 In line 23, delete “24” and insert “25”.

42 In line 27, delete “, or written reprimands issued.”.

43 Delete lines 36 and 37 and insert:

44 “(8) Section 31 of this 2007 Act and the amendments to ORS 244.055, 244.090 and 244.110 by
45 sections 7, 29 and 32 of this 2007 Act apply to statements required to be filed on or after January

1 1, 2008.”

2 In line 40, after “ORS” insert “171.778,” and delete “and 25” and insert “, 24 and 26”.

3 After line 45, insert:

4 “(12) The amendments to ORS 244.195 by section 10 of this 2007 Act apply to copies of state-
5 ments and explanations required to be provided to public officials who are elected or appointed on
6 or after January 1, 2008.

7 “(13) The amendments to ORS 244.300 by section 35 of this 2007 Act apply to information sub-
8 mitted on or after January 1, 2008.”

9 On page 23, line 1, delete “38” and insert “47”.

10 In line 10, delete “39” and insert “48”.

11 In line 13, delete “40” and insert “49”.

12
