

# Senate Bill 852

Sponsored by Senator CLOSE, Representatives PARRISH, THOMPSON

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Teacher Standards and Practices Commission to require applicant for first-time license or registration as teacher, or applicant for renewal of license or registration as teacher, to provide evidence of current certification in cardiopulmonary resuscitation.

Exempts contributions of training, funds and assistance received for purpose of becoming certified in cardiopulmonary resuscitation from gift limitations for public officials.

## A BILL FOR AN ACT

Relating to student safety; creating new provisions; and amending ORS 244.020 and 342.664.

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

**SECTION 1.** ORS 342.664 is amended to read:

342.664. (1) **As used in this section:**

(a) **“Certification in cardiopulmonary resuscitation” means certification by the American Heart Association, MEDIC First Aid, the American Safety and Health Institute or the American Red Cross, or any successor organizations, that:**

(A) **Indicates successful completion of a class that is taught in compliance with current American Heart Association standards; and**

(B) **Provides hands-on training and testing of adult, child and infant cardiopulmonary resuscitation using methods that include compressions and breaths and integrated use of an automated external defibrillator.**

(b) **“Teacher” has the meaning given that term in ORS 342.120.**

(2) **In addition to and not in lieu of any other law or any rule or standard established by the Teacher Standards and Practices Commission, the commission shall require an applicant for a first-time license or registration as a teacher, or an applicant for renewal of a license or registration as a teacher, to provide evidence of current certification in cardiopulmonary resuscitation.**

*[(1)]* (3)(a) *The State Board of Education shall establish by rule the ratio of the number of pupils to the number of staff members who must hold current, recognized first aid cards in each school.*

*[(2)]* (b) *In order to attain or maintain the ratio set under [subsection (1) of this section] paragraph (a) of this subsection, the district may require any staff member as a condition of employment to hold a current, recognized first aid card. The staff member shall have 90 days from the date on which the district imposes the requirement to obtain the first aid card.*

*[(3) The district may waive the requirement of subsection (2) of this section for any staff member who is unable by reason of disability to obtain a recognized first aid card.]*

(4)(a) **The commission may waive the requirement of subsection (2) of this section for any person who is unable by reason of disability to obtain certification in cardiopulmonary resuscitation.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(b) The district may waive the requirement of subsection (3) of this section for any per-**  
 2       **son who is unable by reason of disability to obtain a recognized first aid card.**

3       **(5) Teachers may accept contributions of training, funds and assistance from any public**  
 4       **or private source and agree to conditions placed on the funds and assistance for the purpose**  
 5       **of meeting the requirements of subsection (2) of this section.**

6       **SECTION 2. The amendments to ORS 342.664 by section 1 of this 2013 Act apply to li-**  
 7       **censes or registrations issued or renewed on or after the effective date of this 2013 Act.**

8       **SECTION 3. ORS 244.020 is amended to read:**

9       244.020. As used in this chapter, unless the context requires otherwise:

10       (1) “Actual conflict of interest” means any action or any decision or recommendation by a per-  
 11       son acting in a capacity as a public official, the effect of which would be to the private pecuniary  
 12       benefit or detriment of the person or the person’s relative or any business with which the person  
 13       or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-  
 14       cumstances described in subsection (12) of this section.

15       (2) “Business” means any corporation, partnership, proprietorship, firm, enterprise, franchise,  
 16       association, organization, self-employed individual and any other legal entity operated for economic  
 17       gain but excluding any income-producing not-for-profit corporation that is tax exempt under section  
 18       501(c) of the Internal Revenue Code with which a public official or a relative of the public official  
 19       is associated only as a member or board director or in a nonremunerative capacity.

20       (3) “Business with which the person is associated” means:

21       (a) Any private business or closely held corporation of which the person or the person’s relative  
 22       is a director, officer, owner or employee, or agent or any private business or closely held corpo-  
 23       ration in which the person or the person’s relative owns or has owned stock, another form of equity  
 24       interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding cal-  
 25       endar year;

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

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

31       (d) For public officials required to file a statement of economic interest under ORS 244.050, any  
 32       business listed as a source of income as required under ORS 244.060 (3).

33       (4) “Candidate” means an individual for whom a declaration of candidacy, nominating petition  
 34       or certificate of nomination to public office has been filed or whose name is printed on a ballot or  
 35       is expected to be or has been presented, with the individual’s consent, for nomination or election to  
 36       public office.

37       (5) “Development commission” means any entity that has the authority to purchase, develop,  
 38       improve or lease land or the authority to operate or direct the use of land. This authority must be  
 39       more than ministerial.

40       (6)(a) “Gift” means something of economic value given to a public official, a candidate or a rel-  
 41       ative or member of the household of the public official or candidate:

42       (A) Without valuable consideration of equivalent value, including the full or partial forgiveness  
 43       of indebtedness, which is not extended to others who are not public officials or candidates or the  
 44       relatives or members of the household of public officials or candidates on the same terms and con-  
 45       ditions; or

1 (B) For valuable consideration less than that required from others who are not public officials  
2 or candidates.

3 (b) "Gift" does not mean:

4 (A) Contributions as defined in ORS 260.005.

5 (B) Gifts from relatives or members of the household of the public official or candidate.

6 (C) An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item,  
7 wall memento or similar item, with a resale value reasonably expected to be less than \$25.

8 (D) Informational or program material, publications or subscriptions related to the recipient's  
9 performance of official duties.

10 (E) Admission provided to or the cost of food or beverage consumed by a public official, or a  
11 member of the household or staff of the public official when accompanying the public official, at a  
12 reception, meal or meeting held by an organization when the public official represents state gov-  
13 ernment as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special gov-  
14 ernment body as defined in ORS 174.117.

15 (F) Reasonable expenses paid by any unit of the federal government, a state or local government,  
16 a Native American tribe that is recognized by federal law or formally acknowledged by a state, a  
17 membership organization to which a public body as defined in ORS 174.109 pays membership dues  
18 or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue  
19 Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the  
20 public official is scheduled to deliver a speech, make a presentation, participate on a panel or rep-  
21 resent state government as defined in ORS 174.111, a local government as defined in ORS 174.116  
22 or a special government body as defined in ORS 174.117.

23 (G) Contributions made to a legal expense trust fund established under ORS 244.209 for the  
24 benefit of the public official.

25 (H) Reasonable food, travel or lodging expenses provided to a public official, a relative of the  
26 public official accompanying the public official, a member of the household of the public official ac-  
27 companying the public official or a staff member of the public official accompanying the public offi-  
28 cial, when the public official is representing state government as defined in ORS 174.111, a local  
29 government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

30 (i) On an officially sanctioned trade-promotion or fact-finding mission; or

31 (ii) In officially designated negotiations, or economic development activities, where receipt of the  
32 expenses is approved in advance.

33 (I) Food or beverage consumed by a public official acting in an official capacity:

34 (i) In association with the review, approval, execution of documents or closing of a borrowing,  
35 investment or other financial transaction, including any business agreement between state govern-  
36 ment as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special govern-  
37 ment body as defined in ORS 174.117 and a private entity or public body as defined in ORS 174.109;

38 (ii) While engaged in due diligence research or presentations by the office of the State Treasurer  
39 related to an existing or proposed investment or borrowing; or

40 (iii) While engaged in a meeting of an advisory, governance or policy-making body of a corpo-  
41 ration, partnership or other entity in which the office of the State Treasurer has invested moneys.

42 (J) Waiver or discount of registration expenses or materials provided to a public official or  
43 candidate at a continuing education event that the public official or candidate may attend to satisfy  
44 a professional licensing requirement.

45 (K) Expenses provided by one public official to another public official for travel inside this state

1 to or from an event that bears a relationship to the receiving public official's office and at which  
2 the official participates in an official capacity.

3 (L) Food or beverage consumed by a public official or candidate at a reception where the food  
4 or beverage is provided as an incidental part of the reception and no cost is placed on the food or  
5 beverage.

6 (M) Entertainment provided to a public official or candidate or a relative or member of the  
7 household of the public official or candidate that is incidental to the main purpose of another event.

8 (N) Entertainment provided to a public official or a relative or member of the household of the  
9 public official where the public official is acting in an official capacity while representing state  
10 government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special  
11 government body as defined in ORS 174.117 for a ceremonial purpose.

12 (O) Anything of economic value offered to or solicited or received by a public official or candi-  
13 date, or a relative or member of the household of the public official or candidate:

14 (i) As part of the usual and customary practice of the person's private business, or the person's  
15 employment or position as a volunteer with a private business, corporation, partnership,  
16 proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or  
17 other legal entity operated for economic value; and

18 (ii) That bears no relationship to the public official's or candidate's holding of, or candidacy for,  
19 the official position or public office.

20 (P) Reasonable expenses paid to a public school employee for accompanying students on an ed-  
21 ucational trip.

22 **(Q) Any training costs, funding or other assistance provided to a teacher for the purpose**  
23 **of assisting the teacher to meet the requirements of ORS 342.664 related to certification in**  
24 **cardiopulmonary resuscitation.**

25 (7) "Honorarium" means a payment or something of economic value given to a public official in  
26 exchange for services upon which custom or propriety prevents the setting of a price. Services in-  
27 clude, but are not limited to, speeches or other services rendered in connection with an event.

28 (8) "Income" means income of any nature derived from any source, including, but not limited to,  
29 any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital,  
30 forgiveness of indebtedness, or anything of economic value.

31 (9) "Legislative or administrative interest" means an economic interest, distinct from that of the  
32 general public, in:

33 (a) Any matter subject to the decision or vote of the public official acting in the public official's  
34 capacity as a public official; or

35 (b) Any matter that would be subject to the decision or vote of the candidate who, if elected,  
36 would be acting in the capacity of a public official.

37 (10) "Member of the household" means any person who resides with the public official or can-  
38 didate.

39 (11) "Planning commission" means a county planning commission created under ORS chapter 215  
40 or a city planning commission created under ORS chapter 227.

41 (12) "Potential conflict of interest" means any action or any decision or recommendation by a  
42 person acting in a capacity as a public official, the effect of which could be to the private pecuniary  
43 benefit or detriment of the person or the person's relative, or a business with which the person or  
44 the person's relative is associated, unless the pecuniary benefit or detriment arises out of the fol-  
45 lowing:

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

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

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

9 (13) "Public office" has the meaning given that term in ORS 260.005.

10 (14) "Public official" means any person who, when an alleged violation of this chapter occurs,  
11 is serving the State of Oregon or any of its political subdivisions or any other public body as defined  
12 in ORS 174.109 as an elected official, appointed official, employee or agent, irrespective of whether  
13 the person is compensated for the services.

14 (15) "Relative" means:

15 (a) The spouse of the public official or candidate;

16 (b) Any children of the public official or of the public official's spouse;

17 (c) Any children of the candidate or of the candidate's spouse;

18 (d) Siblings, spouses of siblings or parents of the public official or of the public official's spouse;

19 (e) Siblings, spouses of siblings or parents of the candidate or of the candidate's spouse;

20 (f) Any individual for whom the public official or candidate has a legal support obligation;

21 (g) Any individual for whom the public official provides benefits arising from the public official's  
22 public employment or from whom the public official receives benefits arising from that individual's  
23 employment; or

24 (h) Any individual from whom the candidate receives benefits arising from that individual's em-  
25 ployment.

26 (16) "Statement of economic interest" means a statement as described by ORS 244.060 or 244.070.

27 (17) "Zoning commission" means an entity to which is delegated at least some of the discre-  
28 tionary authority of a planning commission or governing body relating to zoning and land use mat-  
29 ters.

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