House Bill 2598

Sponsored by COMMITTEE ON ELECTIONS, ETHICS AND RULES (at the request of Oregon Law Commission)

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.

Allows public official to receive gift from source that does not have legislative or administrative interest in governmental agency in which official has official position.

Prohibits public official from receiving in calendar year single gift with value exceeding $100 from one or more sources with legislative or administrative interest. Prohibits public official from receiving in calendar year gifts with aggregate value exceeding $250 from single source with legislative or administrative interest.

Allows public official to receive items exempted from definition of "gift" from person with legislative or administrative interest.

Deletes entertainment exemption from definition of "gift." Specifies that food, lodging, travel and event registration exception to definition of "gift" applies when public official acting in official capacity is registered at event or appears on agenda of event as presenter.

Prohibits public officials and candidates for public office from receiving honoraria solicited or received in connection with official duties of public official or office for which person is candidate. Provides exception for honoraria or other items with value of $50 or less.

A BILL FOR AN ACT

Relating to government ethics; creating new provisions; and amending ORS 171.745, 171.750, 244.010,

244.020, 244.040, 244.060, 244.100, 244.110, 244.280, 293.708, 351.067, 353.270 and 469.810.

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

GIFTS/FINANCIAL GAIN

SECTION 1. ORS 244.020 is amended to read:

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

(1) "Actual conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (14) (12) of this section.

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

(3) "Business with which the person is associated" means:

(a) Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth $1,000 or more at any point in the preceding cal-

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.

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endar year;

(b) Any publicly held corporation in which the person or the person's relative owns or has owned $100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year;

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

(d) For public officials required to file a statement of economic interest under ORS 244.050, any business from which 50 percent or more of the total annual income of the person and members of the person's household is derived during the current calendar year.


(5) "Development commission" means any entity which has the authority to purchase, develop, improve or lease land or the authority to operate or direct the use of land. This authority must be more than ministerial.

(6) "Expenditure" has the meaning given that term in ORS 260.005.

(7) (a) "Gift" means something of economic value given to a public official or [the public official's] a relative or member of the household of the public official:

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

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

(However, "gift" does not mean:)

(b) "Gift" does not mean:

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

(A) Contributions as defined in ORS 260.005.

[(b) (B) Gifts from [family members] relatives or members of the household of the public official.

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

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

[(d) (D) [The giving or receiving of] Food or beverage provided to a public official or a relative or member of the household of the public official if the food or beverage is consumed by the public official or the [relative or member of the household of the public official in the presence of the purchaser or provider thereof] of the food or beverage.

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

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

(G) Publications supplied by a publisher or organization on a complimentary basis for use in an official capacity by the public official.
(e) The giving or receiving of entertainment if the entertainment is experienced by the public official or the public official’s relatives in the presence of the purchaser or provider thereof and the value of the entertainment does not exceed $100 per person on a single occasion and is not greater than $250 in any one calendar year.

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

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

[(10)] (9) "Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more bills, resolutions, regulations, proposals or other matters subject to the action or vote of a person acting in the capacity of a public official.

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

[(12)] (10) "Member of the household" means any [relative] person who resides with the public official.

[(13)] (11) "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under ORS chapter 227.

[(14)] (12) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person’s relative, or a business with which the person or the person’s relative is associated, unless the pecuniary benefit or detriment arises out of the following:

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

(b) Any action in the person’s official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged. The Oregon Government Standards and Practices Commission may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.

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

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

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

[(16)] (15) "Relative" means:

(a) The spouse of the public official[.];

(b) The domestic partner of the public official;

(c) Any children of the public official or of the public official’s spouse[, and brothers, sisters];
(d) Siblings, spouses of siblings or parents of the public official or of the public official’s spouse; 
(e) Any individual for whom the public official has a legal support obligation; and 
(f) Any individual for whom the public official provides benefits arising from the public 
official’s public employment or from whom the public official receives benefits arising from 
that individual’s employment.

[(I7)] (16) “Statement of economic interest” means a statement as described by ORS 244.060 to 
244.080.

[(I8) “Statewide official” means the Secretary of State or Secretary of State-elect, State Treasurer 
or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-
struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor 
and Industries or the Commissioner-elect of the Bureau of Labor and Industries.]

[(I9)] (17) “Zoning commission” means an entity to which is delegated at least some of the dis-
cretionary authority of a planning commission or governing body relating to zoning and land use 
matters.

SECTION 2. ORS 244.040 is amended to read:

244.040. [The following actions are prohibited regardless of whether actual conflicts of interest or 
potential conflicts of interest are announced or disclosed pursuant to ORS 244.120:]

[(I)(a)] (1) [No] Except as provided in subsection (2) of this section, a public official [shall] 
may not use or attempt to use official position or office to obtain financial gain or avoidance of 
financial detriment [that would not otherwise be available but for the public official’s holding of the 
official position or office, other than official salary, honoraria, except as prohibited in paragraphs (b) 
and (c) of this subsection, reimbursement of expenses or an unsolicited award for professional 
achievement for the public official or the public official’s relative, or for] for the public official, a 
relative or member of the household of the public official, or any business with which the public 
official or a relative or member of the household of the public official is associated, if the fi-
ancial gain or avoidance of financial detriment would not otherwise be available but for the 
public official’s holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body served 
by the public official.

(b) The receipt by a public official or a relative or member of the household of the public 
official of an honorarium or any other item allowed under section 6 of this 2007 Act.

(c) Reimbursement of expenses.

(d) An unsolicited award for professional achievement.

(e) Gifts that do not exceed the limits specified in section 3 of this 2007 Act received by 
a public official or a relative or member of the household of the public official from a source 
that could reasonably be known to have a legislative or administrative interest in a govern-
mental agency in which the official holds any official position or over which the official ex-
ercises any authority.

(f) Gifts received by a public official or a relative or member of the household of the 
public official from a source that could not reasonably be known to have a legislative or ad-
ministrative interest in a governmental agency in which the official holds any official posi-
tion or over which the official exercises any authority.

(g) The receipt by a public official or a relative or member of the household of the public
official of any item, regardless of value, that is expressly excluded from the definition of gift in ORS 244.020.  

[(b) No statewide official shall solicit or receive, whether directly or indirectly, honoraria for the statewide official or for any member of the household of the official. No candidate for statewide office shall solicit or receive, whether directly or indirectly, honoraria for the candidate or for any member of the household of the candidate.]  

[(c) No legislative official shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of $1,500 or in any amount for an appearance within the state or for an appearance during a legislative session, regardless of location, for the legislative official or for any member of the household of the official, except that a legislative official may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official. No candidate for legislative office shall solicit or receive, whether directly or indirectly, honoraria in an amount in excess of $1,500 or in any amount for an appearance within the state for the candidate or for any member of the household of the candidate, except that a candidate for legislative office may solicit or receive honoraria for services performed in relation to the private profession or occupation of the legislative official.]  

[(d) Any public official not described in paragraph (b) or (c) of this subsection or a member of the public official’s household may receive honoraria.]  

[(2) No public official or candidate for office or a relative of the public official or candidate shall solicit or receive, whether directly or indirectly, during any calendar year, any gift or gifts with an aggregate value in excess of $100 from any single source who could reasonably be known to have a legislative or administrative interest in any governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.]  

(3) [No] A public official [shall] may not solicit or receive, either directly or indirectly, and [no] a person [shall] may not offer or give to any public official any pledge or promise of future employment, based on any understanding that [such public official’s] the vote, official action or judgment of the public official would be influenced [thereby] by the pledge or promise.  

(4) [No] A public official [shall] may not attempt to further or further the personal gain of the public official through the use of confidential information gained in the course of or by reason of [the official position] holding position as a public official or activities of the public official [in any way].  

[(5) No person shall offer during any calendar year any gifts with an aggregate value in excess of $100 to any public official or candidate therefor or a relative of the public official or candidate if the person has a legislative or administrative interest in a governmental agency in which the official has or the candidate if elected would have any official position or over which the official exercises or the candidate if elected would exercise any authority.]  

[(6)] (5) [No person shall] A person may not attempt to represent or represent a client for a fee before the governing body of a public body of which the person is a member. This subsection does not apply to the person’s employer, business partner or other associate.  

(6) The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under ORS 244.120.  

SECTION 3. (1) During a calendar year, a public official, candidate for public office or a relative or member of the household of the public official or candidate may not solicit or receive, directly or indirectly:
candidate if elected would [have] exercise, any authority.

(5)(a) [The listing] A list of all real property in which the public official or candidate [therefor] for public office or a member of the household of the public official or candidate has or has had any personal, beneficial ownership interest during the preceding calendar year, any options to purchase or sell real property, including a land sales contract, and any other rights of any kind in real property located within the geographic boundaries of the governmental agency of which the public official [is] holds, or the candidate if elected would [be a member] hold, any official position or over which the public official [has] exercises, or the candidate if elected would [have] exercise, any authority.

(b) This subsection does not require the listing of the principal residence of the public official or candidate.

(6)(a) Notwithstanding ORS 244.020 [(7)(c)] (6)(b)(C), if a public official has received food, lodging, [and payment of] travel or event registration expenses exceeding [$100] an aggregate amount of $75 when participating in an event which bears a relationship to the public official’s office and when appearing in an official capacity, the name, nature and business address of the [organization] person paying the expenses and the date and amount of that expenditure.

(b) Beginning on July 1, 1992, the dollar amount specified in paragraph (a) of this subsection shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this paragraph shall be rounded to the nearest dollar.

(7) [Any honoraria] If a public official or a relative or member of the household of the public official has received an honorarium or other item allowed under section 6 of this 2007 Act exceeding [$50 received] $15 during the preceding calendar year [by the person or a member of the household of the person, the payer of the honoraria], the name, nature and business address of the person providing the honorarium or other item and the date and time of the event for which the [honoraria] honorarium or other item was received.

(8) If a public official has received an unsolicited award for professional achievement related to the official’s holding of an official position or office with a value exceeding $75, the name, nature and business address of the person providing the award, the date the award was received and value of the award.

SECTION 8, ORS 244.280 is amended to read:

244.280. (1) Upon the written request of any [public official, candidate for public office or any] person, or upon its own motion, the Oregon Government Standards and Practices Commission, under signature of the chairperson, may issue and publish opinions on the requirements of this chapter, based on actual or hypothetical circumstances.

(2) If any public official or business with which the public official is associated is in doubt whether a proposed transaction or action constitutes a violation of this chapter, the public official or the business may request in writing a determination from the commission. [If any public official is in doubt whether receipt of an honoraria is in violation of this chapter because the person paying the honoraria may be found to have a legislative or administrative interest, the public official shall request in writing a determination from the commission.] The requester shall supply such information as the commission requests to enable [it to issue the interpretation] the commission to make the determination.

(3) A public official [or business with which a public official is associated shall not be] is not li-
able under this chapter[,] for any action or transaction carried out in accordance with [an advisory interpretation issued] a determination made under subsection (2) of this section. [Such an advisory interpretation shall be] The determination is considered a formal opinion having precedential effect and [shall be subject to review] must be reviewed by legal counsel to the commission before the [interpretation] determination is sent to the requester.

SECTION 9. ORS 351.067 is amended to read:

351.067. (1) In carrying out its authority under ORS 351.070, the State Board of Higher Education may authorize receipt of compensation for any officer or employee of the Oregon University System from private or public resources, including, but not limited to, income from:

(a) Consulting;

(b) Appearances and speeches;

(c) Intellectual property conceived, reduced to practice or originated and therefore owned within the Oregon University System;

(d) Providing services or other valuable consideration for a private corporation, individual, or entity, whether paid in cash or in-kind, stock or other equity interest, or anything of value regardless of whether there is a licensing agreement between the Oregon University System and the private entity; and

(e) Performing public duties paid by private organizations, including institution corporate affiliates, which augment an officer’s or employee’s publicly funded salary. Such income shall be authorized and received in accordance with policies and rules established by the board.

(2) The board [shall] may not authorize compensation, as defined in subsection (1) of this section, that, in the board’s judgment, does not comport with the mission of the institution and the Oregon University System or substantially interferes with an officer’s or employee’s duties to the Oregon University System.

(3) Any compensation, described and authorized under subsection (1) of this section, [shall be] is considered official [salary, honorarium] compensation or reimbursement of expenses for purposes of ORS 244.040 and is not considered an honorarium prohibited by section 6 of this 2007 Act.

If authorization or receipt of [such] the compensation creates a potential conflict of interest, the officer or employee shall report the potential conflict [shall be reported] in writing in accordance with rules of the state board. The disclosure is a public record subject to public inspection.

(4) The state board shall adopt by rule standards governing employee outside employment and activities, including potential conflict of interest, as defined by state board rule and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints.

SECTION 10. ORS 353.270 is amended to read:

353.270. (1) Oregon Health and Science University may authorize receipt of compensation for any officer or employee of the university from private or public resources, including but not limited to income from:

(a) Consulting;

(b) Appearances and speeches;

(c) Intellectual property conceived, reduced to practice or originated and therefore owned within the university;

(d) Providing services or other valuable consideration for a private corporation, individual or entity, whether paid in cash or in kind, stock or other equity interest, or anything of value regardless of whether there is a licensing agreement between the university and the private entity;
(e) Performing public duties paid by private organizations, including university corporate affiliates, that augment an officer's or employee's publicly funded salary. Such income shall be authorized and received in accordance with policies established by the university; and

(f) Providing medical and other health services.

(2) The university shall not authorize compensation, as described in subsection (1) of this section, that, in the university's judgment, does not comport with the missions of the university or substantially interferes with an officer's or employee's duties to the university.

(3) Any compensation described and authorized under subsection (1) of this section [shall be] is considered official [salary, honorarium] compensation or reimbursement of expenses for purposes of ORS 244.040 and is not considered an honorarium prohibited by section 6 of this 2007 Act. If authorization or receipt of [such] the compensation creates a potential conflict of interest, the officer or employee shall report the potential conflict [shall be reported] in writing in accordance with policies of the university. The disclosure is a public record subject to public inspection.

(4) The university shall adopt standards governing employee outside employment and activities of employees, including potential conflicts of interest, as defined by the university and consistent with ORS 244.020, and the public disclosure thereof, and procedures for reporting and hearing potential or actual conflict of interest complaints.

**SECTION 11.** ORS 244.010 is amended to read:

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

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

**CONFORMING AMENDMENTS**

**SECTION 12.** ORS 171.745 is amended to read:

171.745. (1) A lobbyist registered with the Oregon Government Standards and Practices Commission or required to register with the commission shall, on January 31 and July 31, of each even-numbered year, and on January 31, April 30 and July 31 of each odd-numbered year, file with the commission a statement showing:

(a) The total amount of all moneys expended by the lobbyist for the purpose of lobbying in the preceding reporting period for:

(A) Food, refreshments and entertainment;

(B) Printing, postage and telephone;

(C) Advertising, public relations, education and research; and

(D) Miscellaneous; and

(b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of $25 is made for the purposes of lobbying, and the date, name of payee, purpose and amount of that expenditure.
(2) Beginning on July 1, 1979, the dollar amount specified in subsection (1)(b) of this section shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor or its successor during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest dollar.

(3) Statements required by this section need not include amounts expended by the lobbyist for personal living and travel expenses and office overhead, including salaries and wages paid for staff and secretarial assistance, and maintenance expenses. If the amount of any expenditure required to be included in a statement is not accurately known at the time the statement is required to be filed, an estimate of the expenditure shall be submitted in the statement and designated as an estimate. The exact amount expended for which a previous estimate was made shall be submitted in a subsequent report when the information is available.

(4) Notwithstanding ORS 171.735, 171.740 and subsections (1) to (3) of this section, a registered lobbyist, who engages in lobbying activities without compensation on behalf of an organization is not required to register as a lobbyist for the organization as long as the lobbying activity does not exceed the financial or time limits set in ORS 171.735 (4).

(5) A statement required by this section shall include a copy of any notice provided to a public official under ORS 244.100 (3) or (4).

(6) For each statement required by this section, an entity comprised of more than one lobbyist may file one statement that reports expenditures by the entity and not by individual lobbyists.

SECTION 13. ORS 171.750 is amended to read:

171.750. (1) Any person on whose behalf a lobbyist was registered, or was required to register with the Oregon Government Standards and Practices Commission at any time during the preceding calendar year, shall file with the commission, by January 31st of each year, a statement showing, for the preceding calendar year:

(a) The total amount of all moneys expended for lobbying activities on the person’s behalf, excluding living and travel expenses incurred for a lobbyist performing lobbying services.

(b) The name of any legislative or executive official to whom or for whose benefit, on any one occasion, an expenditure in excess of $25 for the purpose of lobbying is made by the person, but not including information previously reported in compliance with ORS 171.745, and the date, name of payee, purpose and amount of that expenditure.

(2) Using July 1, 1979, as the base, the dollar amount specified in subsection (1)(b) of this section shall be adjusted annually by the commission based upon the change in the Portland Consumer Price Index for All Urban Consumers for All Items as prepared by the Bureau of Labor Statistics of the United States Department of Labor, or its successor, during the preceding 12-month period. The amount determined under this subsection shall be rounded to the nearest dollar.

(3) A statement required under subsection (1) of this section shall include a copy of any notice provided to a public official under ORS 244.100 (3) or (4).

SECTION 14. ORS 293.708 is amended to read:

293.708. (1) As used in this section:

(a) “Business” has the meaning given that term in ORS 244.020.

(b) “Business with which the person is associated” has the meaning given that term in ORS 244.020.

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

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

(3) Subsection (2) of this section does not apply if the pecuniary benefit or detriment arises out
of circumstances described in ORS 244.020 [(14)/(a) to (c)] (12)/(a) to (c).

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

SECTION 15. ORS 469.810 is amended to read:
469.810. (1) A Pacific Northwest Electric Power and Conservation Planning Council member[,] or member of the council member’s household[, as defined in ORS 244.020, shall] may not own or
have any beneficial interest in any stock or indebtedness of any utility or direct service industry.

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

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

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

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

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

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

(8) As used in this section:
(a) “Beneficial interest” does not include an interest in a pension fund, a mutual fund or an in-
surance fund.

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

(c) “Member of the household” means any relative who resides with the council member.
(d) “Relative” means the spouse of the council member, any children of the council
member or of the council member’s spouse, and brothers, sisters or parents of the council
member or of the council member’s spouse.

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

MISCELLANEOUS PROVISIONS

SECTION 16. (1) Section 3 of this 2007 Act is added to and made a part of ORS 244.010
to 244.040.

(2) Section 6 of this 2007 Act is added to and made a part of ORS chapter 244.
SECTION 17. (1) Section 3 of this 2007 Act applies to gifts received or made on or after the effective date of this 2007 Act.

(2) The amendments to ORS 244.020 and 244.040 by sections 1 and 2 of this 2007 Act apply to activities that occur on or after the effective date of this 2007 Act.

(3) Section 6 of this 2007 Act and the amendments to ORS 244.040 by section 2 of this 2007 Act apply to honoraria solicited or received on or after the effective date of this 2007 Act.

(4) The amendments to ORS 244.060 by section 7 of this 2007 Act apply to food, lodging, travel or event registration expenses, honoraria or other items allowed under section 6 of this 2007 Act and unsolicited awards for professional achievement received on or after the effective date of this 2007 Act. A public official shall list on the first statement of economic interest filed after the effective date of this 2007 Act all food, lodging and travel expenses the public official received prior to the effective date of this 2007 Act that were:

   (a) Required to be reported under ORS 244.060 on the day before the effective date of this 2007 Act; and

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

(5) The amendments to ORS 351.067 and 353.270 by sections 9 and 10 of this 2007 Act apply to compensation received on or after the effective date of this 2007 Act.

SECTION 18. (1) Any proceeding, action, prosecution or other business or matter undertaken or commenced before the effective date of this 2007 Act by the Oregon Government Standards and Practices Commission under any provision of ORS chapter 244 and still pending on the effective date of this 2007 Act may be conducted and completed by the commission in the same manner, under the same terms and conditions and with the same effect as though undertaken, conducted or completed before the effective date of this 2007 Act.

(2) Sections 3 and 6 of this 2007 Act and the amendments to ORS 244.010, 244.020, 244.040, 244.060, 244.100, 244.110, 244.280, 351.067 and 353.270 by sections 1, 2, 4, 5 and 7 to 11 of this 2007 Act do not relieve any person of any obligation with respect to any tax, fee, fine, civil penalty or other charge, interest, penalty, forfeiture or other liability, duty or obligation.

SECTION 19. The unit captions used in this 2007 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2007 Act.