SUMMARY

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:

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) “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 [(4)] (11) 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 calendar 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.

[(4) “Commission” means the Oregon Government Standards and Practices}
Commission."

[(5)] (4) "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)] (5)(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 sub-paragraph, 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 public official's relatives 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] 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.

[f] ["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.

[g] "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.

[h] "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.

[i] "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.

[j] "Member of the household" means any person relative of the public official who resides with the public official.

[k] "Planning commission" means a county planning commission created under ORS chapter 215 or a city planning commission created under
ORS chapter 227.

[(14)] (11) "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.

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

[(15)] (13) “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, employee, agent or otherwise, [and] irrespective of whether the person is compensated for such services.

[(16)] (14) “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[.
(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.

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

[(18) “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 Instruction, 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.]

[(19)] (16) “Zoning commission” means an entity to which is delegated at least some of the discretionary 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:]

[(1)(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 financial gain or avoidance of finan-
cial detriment would not otherwise be available but for the public of-
ficial’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 exercises 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 reason-
ably be known to have a legislative or administrative interest in a
governmental agency in which the official holds any official position
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 indi-
rectly, 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 indi-
rectly, 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 occup-
ation 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 sub-
section 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 of-
ficial or candidate shall solicit or receive, whether directly or indirectly, dur-
ing 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 legis-
lative or administrative interest in any governmental agency in which the offi-
cial 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 au-
thority.]
(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 under-
standing 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 in-
formation 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:

(a) A single gift with a value in excess of $100 from a single source or multiple sources that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority; or

(b) Any gifts with an aggregate value in excess of $250 from any single source that could reasonably be known to have a legislative or administrative interest in any governmental agency in which the public official holds, or the candidate if elected would hold, any official position or over which the public official exercises, or the candidate if elected would exercise, any authority.
(2) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a public official holds any official position or over which the public official exercises any authority may not offer to the public official or a relative or member of the household of the public official:

(a) A single gift with a value in excess of $100; or
(b) Any gifts with an aggregate value in excess of $250.

(3) During a calendar year, a person who has a legislative or administrative interest in any governmental agency in which a candidate for public office if elected would hold any official position or over which the candidate if elected would exercise any authority may not offer to the candidate or a relative or member of the household of the candidate:

(a) A single gift with a value in excess of $100; or
(b) Any gifts with an aggregate value in excess of $250.

SECTION 4. ORS 244.100 is amended to read:

244.100. (1) The Oregon Government Standards and Practices Commission [by rule may require] may adopt rules requiring the disclosure and reporting of gifts that are subject to the limits specified in section 3 of this 2007 Act or other compensation made to or received by a public official or a candidate for [elective] public office.

(2) The commission by rule may exempt from the gift limitation contained in [ORS 244.040,] section 3 of this 2007 Act any gift of food or beverage but may require that when gifts of food or beverage exceed a dollar amount fixed by the commission, the source thereof shall be disclosed on a form prescribed by the commission.

(3) In addition to any disclosures or reports required under [subsections (1) and (2) of this section, any person [or organization] that provides a public official with food, lodging, [or] travel or event registration expenses [exceeding $50] with an aggregate value exceeding $75, as described in ORS 244.060 (6), shall notify the public official in writing of the amount of the

[10]
expense. The **person shall provide the notice [shall be sent]** to the public official within 10 days from the date [such] the expenses are incurred.

(4) In addition to any disclosures or reports required under this section, any person that provides a public official or a relative or member of the household of a public official with an honorarium or other item allowed under section 6 of this 2007 Act with a value exceeding $15 shall notify the public official in writing of the value of the honorarium or other item. The person shall provide the notice to the public official within 10 days after the date of the event for which the honorarium or other item was received.

**SECTION 5.** ORS 244.110 is amended to read:

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

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

**HONORARIA**

**SECTION 6.** (1) Except as provided in subsection (3) of this section, a public official may not solicit or receive, whether directly or indirectly, honoraria for the public official or any relative or member of the household of the public official if the honoraria are solicited or received in connection with the official duties of the public official.

(2) Except as provided in subsection (3) of this section, a candidate for public office may not solicit or receive, whether directly or indirectly, honoraria for the candidate or any relative or member of the
household of the candidate if the honoraria are solicited or received in connection with the official duties of the public office for which the person is a candidate.

(3) This section does not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of $50 or less.

SECTION 7. ORS 244.060 is amended to read:

244.060. The statement of economic interest filed under ORS 244.050[.] shall be on a form prescribed by the Oregon Government Standards and Practices Commission, and the [person] public official or candidate for public office filing the statement shall supply the information required by this section and ORS 244.090, as follows:

(1) The [name] names of all positions as officer of a business and business directorships held by the person or a member of the household of the person during the preceding calendar year.

(2) All names under which the person and members of the household of the person do business.

(3) Sources of income received at any time during the preceding calendar year by the person or a member of the household of the person that produce 10 percent or more of the total annual household income.

(4) The name, principal address and brief description of the source of income from which 50 percent or more of the total annual income of the person and members of the household of the person was received during the preceding calendar year and whether the source existed during the preceding year, and whether the source is derived from an entity that [now] does business with or could reasonably be expected to do business with, or has legislative or administrative interest in, the governmental agency [of] in 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.

(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 gov-
ernmental 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] ex-
ercise, 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) (5)(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 house-
hold 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 profes-
sional achievement related to the official's holding of an official posi-
tion 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 as-
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 admin-
istrative 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 liable under this chapter[,] for any action or transaction
carried out in accordance with [an advisory interpretation issued] a deter-
mination made under subsection (2) of this section. [Such an advisory in-
terpretation 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 con-
flict 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 em-
ployment and activities of employees, including potential conflicts of inter-
est, 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 pur-
pose 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 Con-
sumers 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 ex-
pended by the lobbyist for personal living and travel expenses and office
overhead, including salaries and wages paid for staff and secretarial assist-
ance, 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 associated, the member shall notify in writing the State Treasurer or the Chief Deputy State Treasurer that any action, decision or recommendation by the member might constitute an actual or potential conflict of interest. The member shall provide the notice not later than three business days after the member becomes aware of the possibility of an actual or potential conflict.

(3) Subsection (2) of this section does not apply if the pecuniary benefit or detriment arises out of circumstances described in ORS 244.020 [(14)(a) to (c)] (11)(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 industry.

(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 compen-
sation 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 busi-
ness 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 insurance 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 chil-
dren 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 ser-
dvice 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.