SUMMARY

Modifies schedule for filing of expenditure statements by lobbyists and persons on whose behalf lobbyist was registered. Requires filing of statements for each calendar quarter.

Updates language in statutory provisions relating to filing of statements by State Treasurer and employees of State Treasurer, filing of ethics information by members of Congress, filing of notices of conflicts of interest and provision of ethics information to newly elected or appointed public officials.


A BILL FOR AN ACT

Relating to government ethics; creating new provisions; and amending ORS 171.745, 171.750, 244.055, 244.110, 244.115, 244.130, 244.195, 244.290 and 244.300.

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

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 171.725 to 171.785.

SECTION 2. Statements required to be filed with the Oregon Government Standards and Practices Commission under ORS 171.745 and 171.750 shall be filed in each calendar year:

(1) Not later than April 15, for the accounting period beginning January 1 and ending March 31;

(2) Not later than July 15, for the accounting period beginning April 1 and ending June 30;

(3) Not later than October 15, for the accounting period beginning July 1 and ending September 30; and

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.
Not later than January 7 of the following calendar year, for the accounting period beginning October 1 and ending December 31.

SECTION 3. 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] according to the schedule described in section 2 of this 2007 Act, file with the commission a statement showing for the applicable reporting period:

(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).

(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 4. 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] according to the schedule described in section 2 of this 2007 Act, a statement showing[,] for the [preceding calendar year] applicable reporting period:

(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).

SECTION 5. ORS 244.055 is amended to read:

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

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

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

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

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

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

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

[(5) A person filing the statement required by subsection (1) of this section
must verify that the statement is complete and accurate. A person who inten-
tionally fails to file a complete and accurate statement commits a Class C fel-
ony and may also be subject to ORS 162.075.]

SECTION 6. ORS 244.110 is amended to read:

244.110. (1) [Any] Each statement of economic interest required to be filed
by ORS 244.050, 244.060, 244.070, 244.080, 244.090 or 244.100 and each trading
statement required to be filed under ORS 244.055 shall be signed and
certified as true by the person required to file it and shall contain [or
be verified by] a written declaration that [it] the statement is made under
the penalties of false swearing. [Such declaration shall be in lieu of any oath
otherwise required.]

(2) [No person shall willfully make and subscribe any return statement or
other document which 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.] A person may not sign and certify
a statement under subsection (1) of this section if the person knows
that the statement contains information that is false.

(3) Violation of subsection (2) of this section is punishable as false
swearing under ORS 162.075.

SECTION 7. Section 8 of this 2007 Act is added to and made a part
of ORS chapter 244.

SECTION 8. A person who intentionally fails to file a complete and
accurate statement under ORS 244.055 commits a Class C felony.

SECTION 9. ORS 244.115 is amended to read:

244.115. (1) Each member of Congress from this state and each candidate
for [a seat in Congress] nomination or election to the office of United
States Representative in Congress or United States Senator from this
state shall file with the Oregon Government Standards and Practices Com-
mission a copy of the federal ethics filing required under federal law or by
congressional rule.

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

(3) All [such] filings made under this section are public records avail-
able for public inspection.

SECTION 10. ORS 244.130 is amended to read:

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

(2) [No] A decision or action of any public official or any board or com-
mission on which the public official serves or agency by which the public
official is employed [shall] may not be voided by any court solely by reason
of the failure of the public official to disclose an actual or potential conflict
of interest.

SECTION 11. ORS 244.195 is amended to read:

244.195. (1) [The city recorder or county clerk, respectively, shall provide to
every person newly elected or appointed to any city or county office for which
testaments of financial interest are required under ORS 244.050 information
about the requirements of ORS 244.050, 244.060, 244.070, 244.080 and 244.090]
A person designated by a public body as defined in ORS 174.109 shall
provide information explaining the requirements of ORS 244.050,
244.060, 244.070, 244.080 and 244.090 to each newly elected or appointed
public official serving the public body who is required to file a verified
statement of economic interest under ORS 244.050. The information
must be received by the public official either at the first meeting attended
by the [new officer] public official or before the [officer] public official
takes the oath of office, whichever [is] occurs first.

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

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

(4) [Any person described in subsection (1) of this section] A newly elected
or appointed public official serving a public body who is not informed
of the filing requirements under ORS 244.050, 244.060, 244.070, 244.080 and
244.090 and provided with a copy of the statements and explanation [des-
dcribed in subsection (3) of] as required under this section at the first
meeting or before taking the oath of office may resign that office within
90 days thereafter or before the next date specified in ORS 244.050 for the
filing of a statement, whichever is [longer] later, without filing [any state-

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ment] a verified statement of economic interest and without incurring a sanction or penalty that might otherwise be imposed for not filing.

SECTION 12. ORS 244.290 is amended to read:

244.290. The Oregon Government Standards and Practices Commission shall:

(1) Prescribe forms for statements required by this chapter and provide the forms to persons required to file the statements under this chapter or resolution adopted [pursuant thereto] under this chapter.

(2) Prepare, publish and provide a manual setting forth recommended uniform methods of reporting for use by persons filing statements under this chapter or resolution adopted [pursuant thereto] under this chapter.

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

(4) Prepare and publish [such] any reports [as] the commission [finds] determines are necessary.

(5) Adopt rules necessary to carry out its duties under ORS 171.725 to 171.785 and 171.992 and this chapter, including rules to:

(a) Create a procedure under which items before the commission may be treated under a consent calendar and voted on as a single item;

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

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

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

(6) Accept and file any information voluntarily supplied that exceeds the requirements of this chapter.
(7) Make statements and other information filed with the commission available for public inspection and copying during regular office hours, and make copying facilities available at a charge not to exceed actual cost.

SECTION 13. ORS 244.300 is amended to read:

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

(2) All information submitted to the Oregon Government Standards and Practices Commission in any statement required under this chapter is a public record.

SECTION 14. (1) Section 2 of this 2007 Act and the amendments to ORS 171.745 and 171.750 by sections 3 and 4 of this 2007 Act apply to statements required to be filed for reporting periods beginning on or after the effective date of this 2007 Act.

(2) The first statement filed under ORS 171.745, as amended by section 3 of this 2007 Act, shall include amounts expended prior to January 1, 2008, that were not included in a statement filed prior to January 1, 2008.

(3) Notwithstanding ORS 171.750, as amended by section 4 of this 2007 Act, a person required to file a statement under ORS 171.750 for the calendar year 2007 shall file the statement not later than January 31, 2008.

(4) Section 8 of this 2007 Act and the amendments to ORS 244.055 and 244.110 by sections 5 and 6 of this 2007 Act apply to statements required to be filed on or after the effective date of this 2007 Act.

(5) The amendments to ORS 244.195 by section 11 of this 2007 Act apply to copies of statements and explanations required to be provided to public officials who are elected or appointed on or after the effective date of this 2007 Act.