SUMMARY

Increases amount of civil penalties that may be imposed for failure of public official to file statement of economic interest. Increases maximum amount of civil penalty for violation of government ethics law from $1,000 to $5,000.


Consolidates provisions specifying that requirements and penalties under government ethics law apply in addition to requirements and penalties applicable under other laws.

Directs commission to notify public body that public official serves if commission determines public official violated provision of government ethics law.

Specifies that conflict of interest requirements applicable to members of Oregon Investment Council are subject to investigation and sanction by commission.

Revises definition of “public servant” in criminal laws describing offenses against state and public justice to include public officials subject to government ethics law.

Specifies that criminal penalties for false swearing apply to verified statements of economic interest.

Removes provision allowing public official to elect to have commission file lawsuit in Marion County Circuit Court in lieu of moving to contested case proceeding.

A BILL FOR AN ACT

Relating to government ethics; creating new provisions; amending ORS 162.005, 244.050, 244.110, 244.260, 244.270, 244.350, 244.360, 244.370, 244.380, 244.390, 244.400 and 293.708; and repealing ORS 244.030.

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

SANCTIONS

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.
SECTION 1. ORS 244.050 is amended to read:

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

(a) The Governor, Secretary of State, State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, district attorneys and members of the Legislative Assembly.

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

(c) Any candidate for an office designated in paragraph (a) or (b) of this subsection.

(d) The Deputy Attorney General.

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

(f) The Chancellor and Vice Chancellors of the Oregon University System and the president and vice presidents, or their administrative equivalents, in each institution under the jurisdiction of the State Board of Higher Education.

(g) The following state officers:

(A) Adjutant General.

(B) Director of Agriculture.

(C) Manager of State Accident Insurance Fund Corporation.

(D) Water Resources Director.

(E) Director of Department of Environmental Quality.

(F) Director of Oregon Department of Administrative Services.
(G) State Fish and Wildlife Director.
(H) State Forester.
(I) State Geologist.
(J) Director of Human Services.
(K) Director of the Department of Consumer and Business Services.
(L) Director of the Department of State Lands.
(M) State Librarian.
(N) Administrator of Oregon Liquor Control Commission.
(O) Superintendent of State Police.
(P) Director of the Public Employees Retirement System.
(Q) Director of Department of Revenue.
(R) Director of Transportation.
(S) Public Utility Commissioner.
(T) Director of Veterans’ Affairs.
(V) Director of the State Department of Energy.
(W) Director and each assistant director of the Oregon State Lottery.
(h) Any assistant in the Governor’s office other than personal secretaries and clerical personnel.
(i) Every elected city or county official except elected officials in those cities or counties where a majority of votes cast in the subject city or county in any election on the issue of filing statements of economic interest under this chapter was in opposition.
(j) Every member of a city or county planning, zoning or development commission except such members in those cities or counties where a majority of votes cast in the subject city or county at any election on the issue of filing statements of economic interest under this chapter was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special session).
(k) The chief executive officer of a city or county who performs the duties
of manager or principal administrator of the city or county except such em-
ployees in those cities or counties where a majority of votes cast in the
subject city or county in an election on the issue of filing statements of
economic interest under this chapter was in opposition.
   (L) Members of local government boundary commissions formed under
ORS 199.410 to 199.519.
   (m) Every member of a governing body of a metropolitan service district
and the executive officer thereof.
   (n) Each member of the board of directors of the State Accident Insurance
Fund Corporation.
   (o) The chief administrative officer and the financial officer of each
common and union high school district, education service district and com-
munity college district.
   (p) Every member of the following state boards and commissions:
   (A) Board of Geologic and Mineral Industries.
   (B) Oregon Economic and Community Development Commission.
   (C) State Board of Education.
   (D) Environmental Quality Commission.
   (E) Fish and Wildlife Commission of the State of Oregon.
   (F) State Board of Forestry.
   (H) Oregon Health Policy Commission.
   (I) State Board of Higher Education.
   (J) Oregon Investment Council.
   (K) Land Conservation and Development Commission.
   (L) Oregon Liquor Control Commission.
   (M) Oregon Short Term Fund Board.
   (N) State Marine Board.
   (O) Mass transit district boards.
   (P) Energy Facility Siting Council.
   (Q) Board of Commissioners of the Port of Portland.
(R) Employment Relations Board.
(S) Public Employees Retirement Board.
(T) Oregon Racing Commission.
(U) Oregon Transportation Commission.
(V) Wage and Hour Commission.
(X) Workers' Compensation Board.
(Y) Oregon Facilities Authority.
(Z) Oregon State Lottery Commission.
(BB) Columbia River Gorge Commission.
(CC) Oregon Health and Science University Board of Directors.
(q) The following officers of the State Treasury:
(A) Chief Deputy State Treasurer.
(B) Executive Assistant to the State Treasurer.
(C) Director of the Investment Division.
(r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725 and 777.915 to 777.953.
(2) By April 15 next after the date an appointment takes effect, every appointed public official on a board or commission listed in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(3) By April 15 next after the filing deadline for the primary election, each candidate for elective public office described in subsection (1) of this section shall file with the commission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
(4) Within 30 days after the filing deadline for the general election, each candidate for elective public office described in subsection (1) of this section who was not a candidate in the preceding primary election, or who was nominated for elective public office described in subsection (1) of this section
at the preceding primary election by write-in votes, shall file with the com-
mission a statement of economic interest as required under ORS 244.060, 244.070 and 244.090.

[(5) The Legislative Assembly shall maintain a continuing review of the op-
eration of this chapter.]

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

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

[(b) Failure to file the required statement in timely fashion shall be prima facie evidence of a violation of this section.]

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

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

SECTION 2. ORS 244.350 is amended to read:
244.350. (1) The Oregon Government Standards and Practices Commission [or the court under ORS 244.260 (8)] may impose civil penalties not to exceed:
(a) Except as provided in paragraph (b) of this subsection and subsection (4) of this section, [$1,000] $5,000 for [violating] violation of any provision of this chapter or any resolution adopted under this chapter.
(b) $25,000 for violation of ORS 244.045.
(2)(a) Except as provided in paragraph (b) of this subsection, the commission may impose civil penalties not to exceed $1,000 for [violating] violation of any provision of ORS 192.660. [However,]
(b) A civil penalty may not be imposed under this subsection if the violation occurred as a result of the governing body of the public body acting upon the advice of the public body's counsel.
(3) The commission may impose civil penalties not to exceed $250 for violation of ORS 293.708. A civil penalty imposed under this subsection is in addition to and not in lieu of a civil penalty that may be imposed under subsection (1) of this section.
(4)(a) The commission may impose civil penalties against a person who fails to file the statement required under ORS 244.050. The commission is not required to follow the procedures in ORS 244.260 before finding that a violation of ORS 244.050 has occurred.
(b) Failure to file the required statement in timely fashion is prima facie evidence of a violation of ORS 244.050.
(c) The commission may impose a civil penalty of $10 for each of the first 14 days the statement is late beyond the date set by the commission under ORS 244.050 and $50 for each day thereafter. The maximum penalty that may be imposed under this subsection is $5,000.
(d) A civil penalty imposed under this subsection is in addition to and not in lieu of sanctions that may be imposed under ORS 244.380.
(5) In lieu of imposing a civil penalty under this section, the commission may issue a written reprimand.
[(4) Any penalty imposed under this section is in addition to and not in lieu
of any other penalty or sanction that may be imposed according to law, in-
cluding removal from office.]

SECTION 3. ORS 244.360 is amended to read:

244.360. [The Oregon Government Standards and Practices Commission, in
addition to civil penalties prescribed in ORS 244.350, may require any public
official who has financially benefited the public official or any other person
by violation of any provision of this chapter to forfeit twice the amount that
the public official or any other person realized from violating any provision
of this chapter.] In addition to civil penalties imposed under ORS 244.350,
if a public official has financially benefited the public official or any
other person by violating any provision of this chapter, the Oregon
Government Standards and Practices Commission may impose upon
the public official a civil penalty in an amount equal to twice the
amount the public official or other person realized as a result of the
violation.

SECTION 4. ORS 244.390 is amended to read:

244.390. (1) [The penalties and sanctions imposed by this chapter are] A
penalty or sanction imposed, or written reprimand issued, under this
chapter is in addition to and not in lieu of any other penalty or sanction
[prescribed or authorized by law which applies to the conduct of public offici-
cials] that may be imposed according to law.

(2) Nothing in this chapter is intended to affect:

(a) Any other statute requiring disclosure of economic interest by
any public official or candidate for public office.

(b) Any statute prohibiting or authorizing specific conduct on the
part of any public official or candidate for public office.

SECTION 5. ORS 244.270 is amended to read:

244.270. (1) If the Oregon Government Standards and Practices Commis-
sion finds that an appointed public official has violated any provision of this
chapter or any rule adopted [pursuant thereto] under this chapter, the
finding [shall constitute] is prima facie evidence of unfitness where removal
is authorized for cause either by law or pursuant to section 6, Article VII
(Amended) of the Oregon Constitution.

(2) If the commission finds that a public official has violated any
provision of this chapter or any rule adopted under this chapter, the
commission shall notify the public body, as defined in ORS 174.109,
that the public official serves. The notice shall describe the violation
and any action taken by the commission. The commission shall pro-
vide the notice not later than 10 business days after the date the
commission takes final action against the public official.

SECTION 6. ORS 244.380 is amended to read:

244.380. (1) [In the event that a public official or candidate subject to the
requirements of this chapter, fails to file a statement of economic interests re-
quired by this chapter, or by resolution adopted pursuant thereto, the following
actions shall be taken, irrespective of other penalties which may be imposed
pursuant to this chapter if, after a hearing has been granted the public official
and a penalty is imposed under ORS 244.370, the public official continues to
refuse to file a statement of economic interests] If the Oregon Government
Standards and Practices Commission has imposed a civil penalty under
ORS 244.350 against a public official or candidate for failing to file a
statement of economic interest required under this chapter and the
public official or candidate continues to refuse to file the statement,
the following apply:

(a) [Except as to judges, no compensation shall be paid to a salaried public
official. Upon notice to the Oregon Department of Administrative Services or
to the appropriate local authority from the Oregon Government Standards and
Practices Commission of the failure to file the required report when due,
compensation shall be withheld and the public official shall be barred from
beginning or continuing to exercise the official duty of the public official until
such time as the public official complies with the requirements of this
chapter.] The commission shall notify the Oregon Department of Ad-
ministrative Services or the local public body, as defined in ORS
174.109, that the public official serves of the failure to file a statement of economic interest. Except for judges, during the period beginning on the date the department or public body receives notice from the commission and ending on the date the public official files the statement of economic interest, the department or public body may not pay compensation to the public official and the public official may not begin or continue to exercise the official duty of the public official. In the case of a public official who [receives no] does not receive compensation, the public official [shall be barred from beginning or continuing the] may not begin or continue to exercise [of] the official duty of the public official until [such time as a statement is filed as required under this chapter] the public official files the statement of economic interest.

(b) [Upon notice from the commission to the] In the case of a candidate for public office, the commission shall notify the appropriate chief elections officer of the candidate’s failure to file the statement required by this chapter[]. The chief elections officer shall:

(A) If the notice is received on or before the 61st day before the date of the election, cause the name of the candidate [for public office] to be removed from the ballot on which the name of the candidate would otherwise appear; or

(B) If the candidate has been nominated or elected, refuse to issue a certificate of nomination or election.

(2) If the name of a candidate for public office is removed from the ballot as provided in subsection (1) of this section, the name shall be removed in accordance with ORS 254.165.

(3) As used in this section, “chief elections officer” has the meaning given that term in ORS 254.005.

SECTION 7. ORS 293.708 is amended to read:

ORS 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 person who is 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).

(4) Complaints of violations of this section may be made to the Oregon Government Standards and Practices Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

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

SECTION 8. 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 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 of economic interest 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 9. ORS 162.005 is amended to read:

162.005. As used in ORS 162.005 to 162.425 [and 162.465], unless the context requires otherwise:

(1) "Pecuniary benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary, in the form of money, property, commercial interests or economic gain, but does not include a political campaign contribution reported in accordance with ORS chapter 260.

(2) "Public servant" [includes] means:

(a) [A public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state] A public official as defined in ORS 244.020;

(b) A person serving as an advisor, consultant or assistant at the request or direction of the state, any political subdivision thereof or of any governmental instrumentality within the state;

(c) A person nominated, elected or appointed to become a public servant, although not yet occupying the position; and

(d) Jurors.

SECTION 10. ORS 244.260 is amended to read:

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

(b) The public official who is the subject of a complaint or of the com-
mission's own action shall be notified immediately upon receipt of the complaint or upon adoption of a motion by the commission to undertake any action concerning the public official. The notice shall be given by telephone if the official can be reached and shall also be in writing mailed to the official. The notice shall include the nature of the complaint or motion and a copy of all materials submitted along with the complaint or materials which give rise to the commission's instigation of action on its own motion. However, the official must also be notified in advance if an issue that may give rise to a motion to undertake action on the commission's own instigation is to be discussed at a commission meeting.

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

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

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

(2) The commission may:

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

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

(3) The person conducting any inquiry or investigation shall do so in an
impartial, objective manner. All favorable and unfavorable information col-
clected by the investigator shall be turned over to the commission.

(4) The findings of the commission in any inquiry or investigation shall
be reported impartially, including both favorable and unfavorable findings,
and shall be made available to the public official who is the subject thereof,
to the appointing authority, if any, and to the Attorney General for state
public officials and to the appropriate district attorney for local public offi-
cials. The findings shall be made available to the Commission on Judicial
Fitness and Disability in any investigation involving a judge.
(5) Hearings relating to any charge of alleged violation of this chapter must be held before an administrative law judge assigned from the Office of Administrative Hearings established under ORS 183.605. The procedure shall be that for a contested case under ORS chapter 183.

(6)(a) The period of time from the filing of a complaint or from acting on the commission's own instigation to the finding of cause or dismissal of the complaint or rescission of the motion shall be termed the Preliminary Review Phase and shall not exceed 90 days unless a delay is stipulated to by both the public official and the Oregon Government Standards and Practices Commission with the commission reserving a portion of the delay period to complete its actions.

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

(c) The commission's deliberations of a case at the conclusion of the Preliminary Review Phase shall be conducted in executive session. All case related materials and proceedings shall be open to the public after the commission makes a finding of cause, dismisses a complaint or rescinds a motion. Prior to the end of the Preliminary Review Phase, the executive director of the commission shall prepare a statement of the facts determined during the phase, including appropriate legal citations and relevant authorities. Before presentation to the commission, the executive director's statement shall be reviewed by legal counsel to the commission.

(d) The time limit imposed in this subsection and the commission's inquiry are suspended if:
(A) There is a pending criminal investigation that relates to the issues arising out of the underlying facts or conduct at issue in the matter before the commission unless the parties stipulate otherwise; or

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

(7)(a) The period of time from the finding of cause to the beginning of any contested case proceedings shall be termed the Investigatory Phase and shall not exceed 120 days unless a delay is stipulated to by both the public official and the Oregon Government Standards and Practices Commission with the commission reserving a portion of the delay period to complete its actions.

(b) The time limit imposed in this subsection and the commission's investigation are suspended if:

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

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

(c) At the end of the Investigatory Phase, the commission shall take action by order, which action may include:

(A) Dismissal, with or without comment;

(B) Continuation of the investigation to determine further facts, but no more than one continuation, not to exceed 30 days' duration, shall be taken;

(C) Moving to a contested case proceeding;

(D) Seeking a negotiated settlement; or

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

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

[(9)] (8) The commission shall not inquire into or investigate any complaint or act at its own instigation on alleged conduct that occurred more than four years before the complaint is filed or action is undertaken.

[(10)] (9) Nothing in this section is intended to prevent the commission and the public official or other person alleged to have violated this chapter from stipulating to a finding of fact concerning the violation and consenting to an appropriate penalty. The commission shall enter an order accordingly.

[(11)] (10) As used in this section:

(a) "Cause" means that there is a substantial, objective basis for believing that an offense or violation may have been committed and the person who is the subject of an inquiry may have committed the offense or violation.

(b) "Pending" means that a prosecuting attorney is either actively investigating the factual basis of the alleged criminal conduct, is preparing to seek or is seeking an accusatory instrument, has obtained an accusatory instrument and is proceeding to trial or is in trial or in the process of negotiating a plea.

SECTION 11. ORS 244.370 is amended to read:

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

(2) Notwithstanding ORS 183.745, a hearing [shall be] is required in all cases prior to imposition of penalty unless the public official or candidate waives the hearing. The public official or candidate to whom the notice is addressed [shall have] has 10 days from the date of service of the notice in which to waive a hearing before the Oregon Government Standards and Practices Commission and the public official or candidate shall be so notified.

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

SECTION 12. ORS 244.400 is amended to read:
244.400. (1) A public official or person described in ORS 171.778 who prevails following a contested case hearing under this chapter [or a lawsuit under ORS 244.260] shall be awarded reasonable attorney fees at the conclusion of the contested case or on appeal.

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

(3) [The Court of Appeals] An appellate court shall award reasonable attorney fees to the public official or person if the public official or person prevails on appeal from any [decisions] decision of the commission [or of the Marion County Circuit Court].

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

(5) Any attorney fees awarded to the public official or person pursuant to this section shall be paid by the commission from moneys appropriated from the General Fund.

SECTION 13. ORS 244.030 is repealed.

MISCELLANEOUS PROVISIONS

SECTION 14. (1) The amendments to ORS 244.050 by section 1 of this 2007 Act apply to statements of economic interest required to be filed on or after the effective date of this 2007 Act.

(2) The amendments to ORS 244.350 by section 2 of this 2007 Act
apply to:

(a) Violations of any provision of ORS chapter 244 or any resolution adopted under ORS chapter 244 occurring on or after the effective date of this 2007 Act;

(b) Violations of ORS 293.708 occurring prior to, on or after the effective date of this 2007 Act; and

(c) Statements of economic interest required to be filed on or after the effective date of this 2007 Act.

(3) The amendments to ORS 244.360 and 244.370 by sections 3 and 11 of this 2007 Act apply to violations of any provision of ORS chapter 244 or any resolution adopted under ORS chapter 244 occurring prior to, on or after the effective date of this 2007 Act.

(4) The amendments to ORS 244.390 by section 4 of this 2007 Act apply to penalties or sanctions imposed, or written reprimands issued, for violations that occur on or after the effective date of this 2007 Act.

(5) The amendments to ORS 244.270 by section 5 of this 2007 Act apply to violations occurring on or after the effective date of this 2007 Act.

(6) The amendments to ORS 244.380 by section 6 of this 2007 Act apply to statements of economic interest required to be filed prior to, on or after the effective date of this 2007 Act.

(7) The amendments to ORS 293.708 by section 7 of this 2007 Act apply to violations of ORS 293.708 occurring prior to, on or after the effective date of this 2007 Act.

(8) The amendments to ORS 244.110 by section 8 of this 2007 Act apply to statements of economic interest required to be filed on or after the effective date of this 2007 Act.

(9) The amendments to ORS 162.005 by section 9 of this 2007 Act apply to violations that occur on or after the effective date of this 2007 Act.

(10) The amendments to ORS 244.260 and 244.400 by sections 10 and
12 of this 2007 Act apply to complaints filed on or after the effective
date of this 2007 Act and actions first commenced by the Oregon
Government Standards and Practices Commission on its own motion
on or after the effective date of this 2007 Act.

SECTION 15. (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 shall 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) Nothing in this 2007 Act relieves 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 16. 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.