

D R A F T

SUMMARY

Grants Oregon Government Ethics Commission administrative rulemaking authority to assist in commission's enforcement of executive session provisions of public meeting laws.

A BILL FOR AN ACT

1
2 Relating to executive session provisions of public meeting law; creating new
3 provisions; and amending ORS 244.290.

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

5 **SECTION 1.** ORS 244.290 is amended to read:

6 244.290. (1) The Oregon Government Ethics Commission shall:

7 (a) Prescribe forms for statements required by this chapter and provide
8 the forms to persons required to file the statements under this chapter or
9 pursuant to a resolution adopted under ORS 244.160.

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

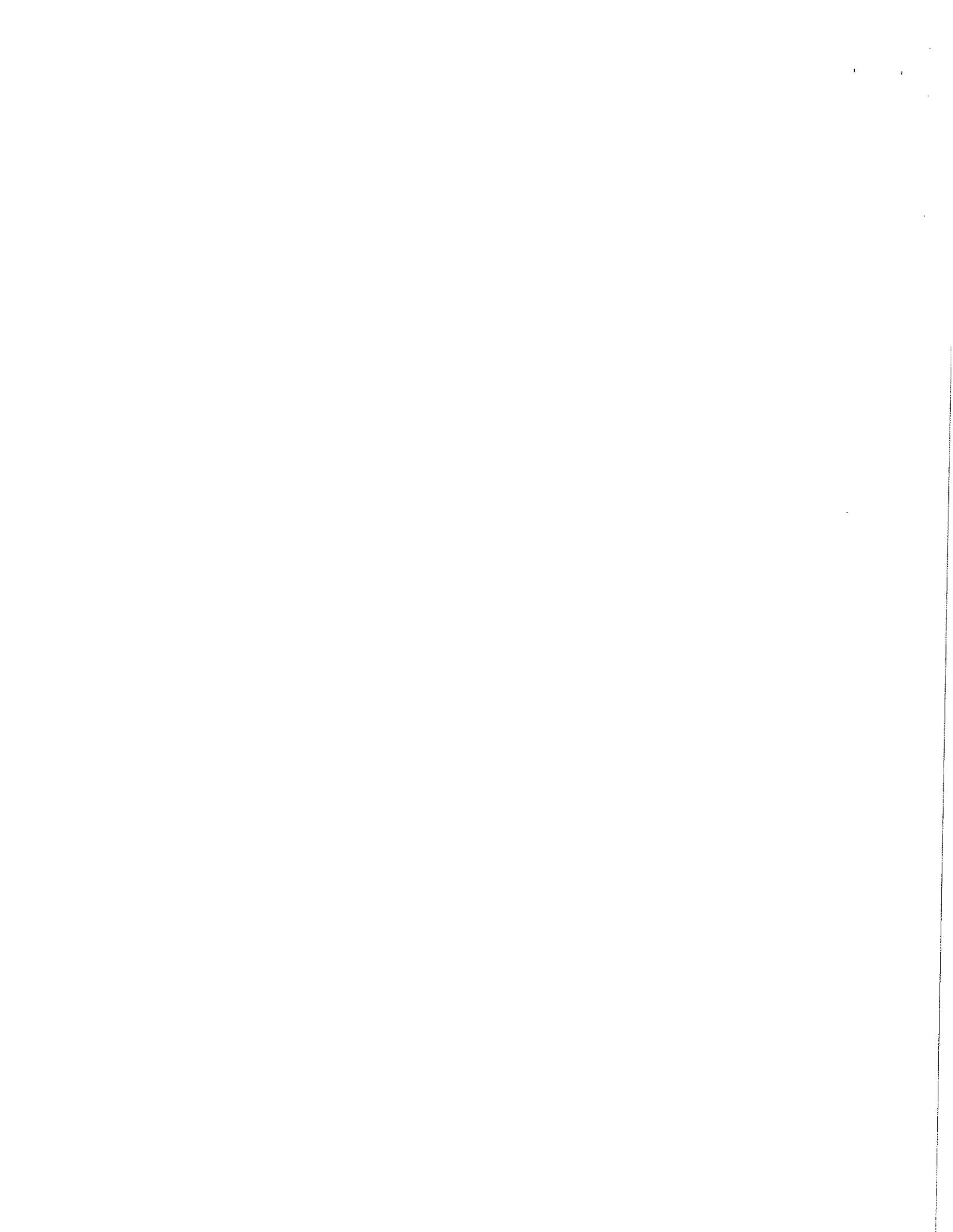
12 (c) Prepare and publish reports the commission finds are necessary.

13 (d) Make advisory opinions issued by the commission or the executive
14 director of the commission available to the public at no charge on the
15 Internet.

16 (e) Accept and file any information voluntarily supplied that exceeds the
17 requirements of this chapter.

18 (f) Make statements and other information filed with the commission
19 available for public inspection and copying during regular office hours, and
20 make copying facilities available at a charge not to exceed actual cost.

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 (g) Not later than February 1 of each odd-numbered year, report to the
2 Legislative Assembly any recommended changes to provisions of ORS 171.725
3 to 171.785 or this chapter.

4 (2) The commission shall adopt rules necessary to carry out its duties
5 under ORS 171.725 to 171.785, [and] 171.992, 192.660 and 192.685 and this
6 chapter, including rules to:

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

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

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

16 (d) List criteria and establish a process for the commission to use
17 prosecutorial discretion to decide whether to proceed with an inquiry or in-
18 vestigation;

19 (e) Establish a procedure under which the commission shall conduct ac-
20 curacy audits of a sample of reports or statements filed with the commission
21 under this chapter or ORS 171.725 to 171.785;

22 (f) Describe the application of provisions exempting items from the defi-
23 nition of "gift" in ORS 244.020;

24 (g) Specify when a continuing violation is considered a single violation
25 or a separate and distinct violation for each day the violation occurs; and

26 (h) Set criteria for determining the amount of civil penalties that the
27 commission may impose.

28 (3) The commission may adopt rules that:

29 (a) Limit the minimum size of, or otherwise establish criteria for or
30 identify, the smaller classes that qualify under the class exception from the
31 definition of "potential conflict of interest" under ORS 244.020;

1 (b) Require the disclosure and reporting of gifts or other compensation
2 made to or received by a public official or candidate;

3 (c) Establish criteria for cases in which information relating to notices
4 of actual or potential conflicts of interest shall, may not or may be provided
5 to the commission under ORS 244.130; or

6 (d) Allow the commission to accept the filing of a statement containing
7 less than all of the information required under ORS 244.060 and 244.070 if
8 the public official or candidate certifies on the statement that the informa-
9 tion contained on the statement previously filed is unchanged or certifies
10 only as to any changed material.

11 (4) Not less frequently than once each calendar year, the commission
12 shall:

13 (a) Consider adoption of rules the commission deems necessary to imple-
14 ment or interpret provisions of this chapter relating to issues the commission
15 determines are of general interest to public officials or candidates or that
16 are addressed by the commission or by commission staff on a recurring basis;
17 and

18 (b) Review rules previously adopted by the commission to determine
19 whether the rules have continuing applicability or whether the rules should
20 be amended or repealed.

21 (5) The commission shall adopt by rule an electronic filing system under
22 which statements required to be filed under ORS 244.050 and 244.217 may be
23 filed, without a fee, with the commission in an electronic format. The com-
24 mission shall accept statements filed under ORS 244.050 and 244.217 in a
25 format that is not electronic.

26 (6) The commission shall make statements filed under ORS 244.050 and
27 244.217, including statements that are not filed in an electronic format,
28 available in a searchable format for review by the public using the Internet.

29 **SECTION 2.** ORS 244.290, as amended by section 9d, chapter 877, Oregon
30 Laws 2007, and section 14, chapter 68, Oregon Laws 2009, is amended to read:

31 244.290. (1) The Oregon Government Ethics Commission shall:

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2 the forms to persons required to file the statements under this chapter or
3 pursuant to a resolution adopted under ORS 244.160.

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

6 (c) Prepare and publish reports the commission finds are necessary.

7 (d) Make advisory opinions issued by the commission or the executive
8 director of the commission available to the public at no charge on the
9 Internet.

10 (e) Accept and file any information voluntarily supplied that exceeds the
11 requirements of this chapter.

12 (f) Make statements and other information filed with the commission
13 available for public inspection and copying during regular office hours, and
14 make copying facilities available at a charge not to exceed actual cost.

15 (g) Not later than February 1 of each odd-numbered year, report to the
16 Legislative Assembly any recommended changes to provisions of ORS 171.725
17 to 171.785 or this chapter.

18 (2) The commission shall adopt rules necessary to carry out its duties
19 under ORS 171.725 to 171.785, [and] 171.992, **192.660 and 192.685** and this
20 chapter, including rules to:

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22 treated under a consent calendar and voted on as a single item;

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

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

30 (d) List criteria and establish a process for the commission to use
31 prosecutorial discretion to decide whether to proceed with an inquiry or in-

1 vestigation;

2 (e) Establish a procedure under which the commission shall conduct ac-
3 curacy audits of a sample of reports or statements filed with the commission
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5 (f) Describe the application of provisions exempting items from the defi-
6 nition of "gift" in ORS 244.020;

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8 or a separate and distinct violation for each day the violation occurs; and

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10 commission may impose.

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4 (5) The commission shall adopt by rule an electronic filing system under
5 which statements required to be filed under ORS 244.050 and 244.217 must
6 be filed, without a fee, with the commission in an electronic format.

7 (6) The commission shall make statements filed under ORS 244.050 and
8 244.217 available in a searchable format for review by the public using the
9 Internet.

10 **SECTION 3.** The amendments to ORS 244.290 by sections 1 and 2 of
11 this 2015 Act apply to alleged violations of ORS 192.660 that occur on
12 or after the effective date of this 2015 Act.

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