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

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

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

SECTION 1. ORS 244.290 is amended to read:

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

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

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

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

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

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

(f) 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.

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

(2) The commission shall adopt rules necessary to carry out its duties under ORS 171.725 to 171.785, [and] 171.992, 192.660 and 192.685 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;

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

(e) Establish a procedure under which the commission shall conduct accuracy audits of a sample of reports or statements filed with the commission under this chapter or ORS 171.725 to 171.785;

(f) Describe the application of provisions exempting items from the definition of “gift” in ORS 244.020;

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

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

(3) The commission may adopt rules that:

(a) Limit the minimum size of, or otherwise establish criteria for or identify, the smaller classes that qualify under the class exception from the definition of “potential conflict of interest” under ORS 244.020;
(b) Require the disclosure and reporting of gifts or other compensation made to or received by a public official or candidate;
(c) Establish criteria for cases in which information relating to notices of actual or potential conflicts of interest shall, may not or may be provided to the commission under ORS 244.130; or
(d) Allow the commission to accept the filing of a statement containing less than all of the information required under ORS 244.060 and 244.070 if the public official or candidate certifies on the statement that the information contained on the statement previously filed is unchanged or certifies only as to any changed material.
(4) Not less frequently than once each calendar year, the commission shall:
(a) Consider adoption of rules the commission deems necessary to implement or interpret provisions of this chapter relating to issues the commission determines are of general interest to public officials or candidates or that are addressed by the commission or by commission staff on a recurring basis; and
(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.
(5) The commission shall adopt by rule an electronic filing system under which statements required to be filed under ORS 244.050 and 244.217 may be filed, without a fee, with the commission in an electronic format. The commission shall accept statements filed under ORS 244.050 and 244.217 in a format that is not electronic.
(6) The commission shall make statements filed under ORS 244.050 and 244.217, including statements that are not filed in an electronic format, available in a searchable format for review by the public using the Internet.
SECTION 2. ORS 244.290, as amended by section 9d, chapter 877, Oregon Laws 2007, and section 14, chapter 68, Oregon Laws 2009, is amended to read:
244.290. (1) The Oregon Government Ethics Commission shall:
(a) Prescribe forms for statements required by this chapter and provide
the forms to persons required to file the statements under this chapter or
pursuant to \\
resolution adopted under ORS 244.160.
(b) Develop a filing, coding and cross-indexing system consistent with the
purposes of this chapter.
(c) Prepare and publish reports the commission finds are necessary.
(d) Make advisory opinions issued by the commission or the executive
director of the commission available to the public at no charge on the
Internet.
(e) Accept and file any information voluntarily supplied that exceeds the
requirements of this chapter.
(f) 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.
(g) Not later than February 1 of each odd-numbered year, report to the
Legislative Assembly any recommended changes to provisions of ORS 171.725
to 171.785 or this chapter.

(2) The commission shall adopt rules necessary to carry out its duties
under ORS 171.725 to 171.785, [and] 171.992, 192.660 and 192.685 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;
(d) List criteria and establish a process for the commission to use
prosecutorial discretion to decide whether to proceed with an inquiry or in-
vestigation;

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

(f) Describe the application of provisions exempting items from the defi-
nition of “gift” in ORS 244.020;

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

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

(3) The commission may adopt rules that:

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

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

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

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

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

(a) Consider adoption of rules the commission deems necessary to imple-
ment or interpret provisions of this chapter relating to issues the commission
determines are of general interest to public officials or candidates or that
are addressed by the commission or by commission staff on a recurring basis;
and
(b) Review rules previously adopted by the commission to determine whether the rules have continuing applicability or whether the rules should be amended or repealed.

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

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

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