

Enrolled
House Bill 3653

Sponsored by Representative KRUSE

CHAPTER

AN ACT

Relating to health policy; creating new provisions; and amending ORS 244.050, 414.021, 414.221, 414.225, 431.195, 442.011, 442.015, 442.035, 442.045, 442.057 and 735.722.

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

SECTION 1. ORS 442.035 is amended to read:

442.035. (1) The Oregon Health [*Council*] **Policy Commission** is established [*under the Office for Oregon Health Policy and Research*] to serve as the policy-making body responsible for health **policy and** planning [*pursuant to this chapter*] **for the state.**

(2) The members of the [*council*] **commission** shall be residents of the State of Oregon and shall be appointed by the Governor, subject to the following:

(a) The [*council*] **commission** shall have 10 public members and shall include at least one member from each congressional district of the state.

(b) The membership of the [*council*] **commission** shall broadly represent the geographic, social, economic, occupational, linguistic and racial population of the state and shall include individuals who represent Oregon's rural and urban medically underserved populations.

(c) The [*council*] **commission** shall have a majority of members who are not direct providers of health care and shall include individuals who represent Oregon's rural and urban medically underserved populations.

(d) The [*council*] **commission** shall have at least one member who is a physician licensed to practice in this state. For the purposes of this paragraph, "physician" has the meaning given that term in ORS 677.010.

(e) Members shall be appointed to three-year terms.

(f) A member may not serve more than two consecutive terms.

(3) **Voting** members of the [*council*] **commission** shall serve at the Governor's pleasure.

(4) **Voting** members shall select a chairperson and a vice chairperson from among themselves.

(5) The [*council*] **commission** shall meet at least quarterly.

(6) Members are entitled to compensation and expenses as provided in ORS 292.495.

(7) Vacancies **of voting members** on the [*council*] **commission** shall be filled by appointments of the Governor for the unexpired term.

(8) In addition to the members appointed to the commission under subsection (2) of this section:

(a) The President of the Senate, in consultation with leadership from the minority party, shall appoint two members of the Senate to the commission, one from the majority party and one from the minority party, who shall be nonvoting, advisory members; and

(b) The Speaker of the House of Representatives, in consultation with leadership from the minority party, shall appoint two members of the House of Representatives to the commission, one from the majority party and one from the minority party, who shall be non-voting, advisory members.

SECTION 2. The Oregon Health Council is abolished. The term of office of any member serving on the effective date of this 2003 Act is terminated on the effective date of this 2003 Act.

SECTION 3. ORS 442.045 is amended to read:

442.045. The Oregon Health [*Council*] **Policy Commission** shall perform the following functions:

(1) Develop a plan for and monitor the implementation of the state health policy.

[(1)] **(2)** Act as the policy-making body for a statewide data clearinghouse established within the Department of Human Services or among other state agencies as appropriate for the acquisition, compilation, correlation and dissemination of data from health care providers, other state and local agencies including the state Medicaid program, third-party payers and other appropriate sources in furtherance of the purpose and intent of the Legislative Assembly as expressed in ORS 442.025.

[(2)] **(3)** Review reports provided at least biennially by the Administrator of the Office for Oregon Health Policy and Research on the findings, trends and long-term implications arising from data collected pursuant to ORS 442.120 and 442.400 to 442.463 and by the statewide data clearinghouse authorized by subsection [(1)] **(2)** of this section.

[(3)] **(4)** Provide a forum for discussion of **health policy and** health care issues facing the citizens of the State of Oregon.

[(4)] **(5)** Identify and analyze significant **health policy and** health care issues affecting the state and make policy recommendations to the Governor.

[(5)] **(6)** Prepare and submit to the Governor and the Legislative Assembly resolutions relating to **health policy and** health care reform.

(7) Review State Medicaid Plan amendments, modifications in Medicaid operational protocols, applications for waivers to the Centers for Medicare and Medicaid Services proposed by the Department of Human Services and administrative rules for the state's medical assistance program and other health care programs.

[(6)] **(8)** Act as the primary advisory committee to the Office for Oregon Health Policy and Research, the Governor and the Legislative Assembly.

[(7)] **(9)** Perform all other functions authorized or required by state law.

SECTION 4. ORS 442.057 is amended to read:

442.057. The Oregon Health [*Council*] **Policy Commission** may establish subcommittees and may appoint advisory committees to advise it in carrying out its duties. Members of advisory committees shall not be eligible for compensation but shall be entitled to receive actual and necessary travel and other expenses incurred in the performance of their official duties.

SECTION 5. ORS 442.011 is amended to read:

442.011. **(1)** There is created in the Oregon Department of Administrative Services the Office for Oregon Health Policy and Research. The Administrator of the Office for Oregon Health Policy and Research shall be appointed by the Governor and the appointment shall be subject to Senate confirmation in the manner prescribed in ORS 171.562 and 171.565. The administrator shall be an individual with demonstrated proficiency in planning and managing programs with complex public policy and fiscal aspects such as those involved in the Oregon Health Plan. Before making the appointment, the Governor must advise the President of the Senate and the Speaker of the House of Representatives of the names of at least three finalists and shall consider their recommendation in appointing the administrator.

(2) In carrying out the responsibilities and duties of the administrator, the administrator shall consult with and be advised by the Oregon Health Policy Commission.

SECTION 6. ORS 414.021 is amended to read:

414.021. (1) The Administrator of the Office for Oregon Health Policy and Research shall be responsible for analyzing and reporting on the implementation of the elements of the Oregon Health

Plan that are assigned to various state agencies, including but not limited to the Department of Human Services and the Department of Consumer and Business Services[, and].

(2) **The administrator** shall administer the Health Services Commission, **the Medicaid Advisory Committee** and the Health Resources Commission and **provide administrative support** to the Oregon Health [Council] **Policy Commission**. Pursuant to the responsibilities described in this subsection **and subsection (1) of this section**, the administrator may review and monitor the progress of the various activities that comprise Oregon's efforts to reform health care through state-funded and employer-based coverage. Except for administration of the Health Services Commission, **the Medicaid Advisory Committee** and the Health Resources Commission and **providing administrative support** to the Oregon Health [Council] **Policy Commission** and as specifically authorized in ORS 414.018 to 414.024, 414.042, 414.107, 414.710, 414.720 and 735.712, the administrator shall not be responsible for the day-to-day operations of the Oregon Health Plan, but shall exercise such oversight responsibilities as are necessary to further the Oregon Health Plan's goals.

[(2) The administrator shall be responsible for the activities necessary to implement the plans and programs described in sections 4 and 7, chapter 815, Oregon Laws 1993, that are intended to expand voluntary health care coverage to Oregonians.]

(3) The administrator shall employ such staff or utilize such state agency personnel as are necessary to fulfill the responsibilities and duties of the administrator. In addition, the administrator may contract with third parties for technical and administrative services necessary to carry out Oregon Health Plan activities where contracting promotes economy, avoids duplication of effort and makes best use of available expertise. The administrator may call upon other state agencies to provide available information as necessary to assist the administrator in meeting the responsibilities under ORS 414.018 to 414.024, 414.042, 414.107, 414.710, 414.720 and 735.712. The information shall be supplied as promptly as circumstances permit.

(4) The Oregon Health [Council] **Policy Commission** shall serve as the primary advisory committee to the administrator, the Governor and the Legislative Assembly. The administrator also may appoint other technical or advisory committees to assist the Oregon Health [Council] **Policy Commission** in formulating its advice. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to ORS 292.495.

(5) The administrator may apply for, receive and accept grants, gifts and other payments, including property and services, from any governmental or other public or private entity or person and may make arrangements for the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(6) The directors of the Departments of Human Services and Consumer and Business Services and other state agency personnel responsible for implementing elements of the Oregon Health Plan shall cooperate fully with the administrator in carrying out their responsibilities under the Oregon Health Plan.

(7) All health policy advisory committees reporting to the Office for Oregon Health Policy and Research and all advisory task forces on health policy appointed by the administrator shall report directly to the Oregon Health [Council] **Policy Commission**.

SECTION 7. ORS 414.221 is amended to read:

414.221. The Medicaid Advisory Committee shall advise the **Administrator of the Office for Oregon Health Policy and Research** and the Department of Human Services on:

(1) Medical care, including mental health and alcohol and drug treatment and remedial care to be provided under ORS chapter 414; and

(2) The operation and administration of programs provided under ORS chapter 414.

SECTION 8. ORS 414.225 is amended to read:

414.225. *[(1)]* The Department of Human Services shall consult with the Medicaid Advisory Committee concerning the determinations required under ORS 414.065.

[(2) The department shall provide secretarial services to the Medicaid Advisory Committee.]

SECTION 9. (1) The Department of Human Services shall submit to the Oregon Health Policy Commission any proposals to amend the State Medicaid Plan, modify Medicaid operational protocols, submit an application for a waiver to the Centers for Medicare and Medicaid Services or adopt or amend any administrative rules for the state's medical assistance program and other health care programs.

(2) If the commission has concerns regarding a State Medicaid Plan amendment, a modification in Medicaid operational protocols, an application for a waiver or adoption or amendment of an administrative rule proposed by the department, the department shall consider the concerns expressed by the commission during administrative decision-making.

SECTION 10. ORS 431.195 is amended to read:

431.195. (1) There is established the Oregon Public Health Advisory Board to serve as an advisory body to the Director of Human Services.

(2) The members of the board shall be residents of this state and shall be appointed by the Governor. The board shall consist of 15 members at least one-half of whom shall be public members broadly representing the state as a whole and the others to include representatives of local government and public and private health providers. At least two representatives, one consumer and one provider, from the Oregon Health [Council] Policy Commission shall serve on the board.

(3) The Oregon Public Health Advisory Board shall:

(a) Advise the director on policy matters related to the operation of the Department of Human Services.

(b) Provide a review of statewide public health issues and make recommendations to the director.

(c) Participate in public health policy development.

(4) Members shall be appointed for four-year terms. No person shall serve more than two consecutive terms.

(5) The board shall meet at least quarterly.

(6) Members of the board shall be entitled to compensation and expenses as provided in ORS 292.495.

(7) Vacancies on the board shall be filled by appointments of the Governor for the unexpired term.

SECTION 11. ORS 442.015 is amended to read:

442.015. As used in ORS chapter 441 and this chapter, unless the context requires otherwise:

(1) "Acquire" or "acquisition" refers to obtaining equipment, supplies, components or facilities by any means, including purchase, capital or operating lease, rental or donation, with intention of using such equipment, supplies, components or facilities to provide health services in Oregon. When equipment or other materials are obtained outside of this state, acquisition is considered to occur when the equipment or other materials begin to be used in Oregon for the provision of health services or when such services are offered for use in Oregon.

(2) "Adjusted admission" means the sum of all inpatient admissions divided by the ratio of inpatient revenues to total patient revenues.

(3) "Affected persons" has the same meaning as given to "party" in ORS 183.310 (6).

(4) "Ambulatory surgical center" means a facility that performs outpatient surgery not routinely or customarily performed in a physician's or dentist's office, and is able to meet health facility licensure requirements.

(5) "Audited actual experience" means data contained within financial statements examined by an independent, certified public accountant in accordance with generally accepted auditing standards.

(6) "Budget" means the projections by the hospital for a specified future time period of expenditures and revenues with supporting statistical indicators.

(7) "Case mix" means a calculated index for each hospital, based on financial accounting and case mix data collection as set forth in ORS 442.425, reflecting the relative costliness of that hospital's mix of cases compared to a state or national mix of cases.

[(8) "Council" means the Oregon Health Council.]

(8) **"Commission" means the Oregon Health Policy Commission.**

(9) "Department" means the Department of Human Services of the State of Oregon.

(10) "Develop" means to undertake those activities which on their completion will result in the offer of a new institutional health service or the incurring of a financial obligation, as defined under applicable state law, in relation to the offering of such a health service.

(11) "Director" means the Director of Human Services.

(12) "Expenditure" or "capital expenditure" means the actual expenditure, an obligation to an expenditure, lease or similar arrangement in lieu of an expenditure, and the reasonable value of a donation or grant in lieu of an expenditure but not including any interest thereon.

(13) "Freestanding birthing center" means a facility licensed for the primary purpose of performing low risk deliveries.

(14) "Governmental unit" means the state, or any county, municipality or other political subdivision, or any related department, division, board or other agency.

(15) "Gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges and other operating revenue. "Gross revenue" does not include contributions, donations, legacies or bequests made to a hospital without restriction by the donors.

(16)(a) "Health care facility" means a hospital, a long term care facility, an ambulatory surgical center, a freestanding birthing center or an outpatient renal dialysis facility.

(b) "Health care facility" does not mean:

(A) An establishment furnishing residential care or treatment not meeting federal intermediate care standards, not following a primarily medical model of treatment, prohibited from admitting persons requiring 24-hour nursing care and licensed or approved under the rules of the Department of Human Services or the Department of Corrections; or

(B) An establishment furnishing primarily domiciliary care.

(17) "Health maintenance organization" or "HMO" means a public organization or a private organization organized under the laws of any state which:

(a) Is a qualified HMO under section 1310 (d) of the U.S. Public Health Services Act; or

(b)(A) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, X-ray, emergency and preventive services, and out-of-area coverage;

(B) Is compensated, except for copayments, for the provision of the basic health care services listed in subparagraph (A) of this paragraph to enrolled participants on a predetermined periodic rate basis; and

(C) Provides physicians' services primarily directly through physicians who are either employees or partners of such organization, or through arrangements with individual physicians or one or more groups of physicians organized on a group practice or individual practice basis.

(18) "Health services" means clinically related diagnostic, treatment or rehabilitative services, and includes alcohol, drug or controlled substance abuse and mental health services that may be provided either directly or indirectly on an inpatient or ambulatory patient basis.

(19) "Hospital" means a facility with an organized medical staff, with permanent facilities that include inpatient beds and with medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for but not limited to acutely ill patients and accident victims, to provide treatment for the mentally ill or to provide treatment in special inpatient care facilities.

(20) "Institutional health services" means health services provided in or through health care facilities and includes the entities in or through which such services are provided.

(21) "Intermediate care facility" means a facility that provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment that a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require care and services above the level of room and board that can be made available to them only through institutional facilities.

(22) “Long term care facility” means a facility with permanent facilities that include inpatient beds, providing medical services, including nursing services but excluding surgical procedures except as may be permitted by the rules of the director, to provide treatment for two or more unrelated patients. “Long term care facility” includes skilled nursing facilities and intermediate care facilities but may not be construed to include facilities licensed and operated pursuant to ORS 443.400 to 443.455.

(23) “Major medical equipment” means medical equipment that is used to provide medical and other health services and that costs more than \$1 million. “Major medical equipment” does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services, if the clinical laboratory is independent of a physician’s office and a hospital and has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act.

(24) “Medically indigent” means a person who has insufficient resources or assets to pay for needed medical care without utilizing resources required to meet basic needs for shelter, food and clothing.

(25) “Net revenue” means gross revenue minus deductions from revenue.

(26) “New hospital” means a facility that did not offer hospital services on a regular basis within its service area within the prior 12-month period and is initiating or proposing to initiate such services. “New hospital” also includes any replacement of an existing hospital that involves a substantial increase or change in the services offered.

(27) “New skilled nursing or intermediate care service or facility” means a service or facility that did not offer long term care services on a regular basis by or through the facility within the prior 12-month period and is initiating or proposing to initiate such services. A “new skilled nursing or intermediate care service or facility” also includes the rebuilding of a long term care facility, the relocation of buildings which are a part of a long term care facility, the relocation of long term care beds from one facility to another or an increase in the number of beds of more than 10 or 10 percent of the bed capacity, whichever is the lesser, within a two-year period.

(28) “Offer” means that the health care facility holds itself out as capable of providing, or as having the means for the provision of, specified health services.

(29) “Operating expenses” means the sum of daily hospital service expenses, ambulatory service expenses, ancillary expenses and other operating expenses, excluding income taxes.

(30) “Outpatient renal dialysis facility” means a facility that provides renal dialysis services directly to outpatients.

(31) “Person” means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), a state, or a political subdivision or instrumentality, including a municipal corporation, of a state.

(32) “Skilled nursing facility” means a facility or a distinct part of a facility, that is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care, or an institution that provides rehabilitation services for the rehabilitation of injured, disabled or sick persons.

(33) “Special inpatient care facility” means a facility with permanent inpatient beds and other facilities designed and utilized for special health care purposes, including but not limited to a rehabilitation center, a college infirmary, a chiropractic facility, a facility for the treatment of alcoholism or drug abuse, an inpatient care facility meeting the requirements of ORS 441.065, and any other establishment falling within a classification established by the Department of Human Services, after determination of the need for such classification and the level and kind of health care appropriate for such classification.

(34) “Total deductions from gross revenue” or “deductions from revenue” means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy and policy discounts and adjustments and other such revenue deductions. The deduction shall be net of the offset of restricted donations and grants for indigent care.

SECTION 12. ORS 735.722 is amended to read:

735.722. (1) There is established the Family Health Insurance Assistance Program in the Insurance Pool Governing Board. The purpose of the program is to remove economic barriers to health insurance coverage for residents of the State of Oregon with family income less than 200 percent of the federal poverty level, and investment and savings less than the limit established by the board, while encouraging individual responsibility, promoting health benefit plan coverage of children, building on the private sector health benefit plan system and encouraging employer and employee participation in employer sponsored health benefit plan coverage.

(2) The Insurance Pool Governing Board shall be responsible for the implementation and operation of the Family Health Insurance Assistance Program. The Administrator of the Office for Oregon Health Policy and Research, in consultation with the Oregon Health [Council] **Policy Commission**, shall make recommendations to the board regarding program policy, including but not limited to eligibility requirements, assistance levels, benefit criteria and insurance carrier participation. The board shall adopt all policy recommendations made by the Administrator of the Office for Oregon Health Policy and Research pursuant to this subsection.

(3) The board shall enter into a contract with a third-party administrator to administer the Family Health Insurance Assistance Program. Duties of the third-party administrator may include but are not limited to:

- (a) Eligibility determination;
- (b) Data collection;
- (c) Assistance payments;
- (d) Financial tracking and reporting; and
- (e) Such other services as the board may deem necessary for the administration of the program.

(4) In entering into a contract with a third-party administrator pursuant to subsection (3) of this section, the board shall engage in competitive bidding. The board shall evaluate bids according to criteria established by the board, including but not limited to:

- (a) The applicant's proven ability to administer a program of the size of the Family Health Insurance Assistance Program;
- (b) The efficiency of the applicant's payment procedures;
- (c) The estimate provided of the total charges necessary to administer the program; and
- (d) The applicant's ability to operate the program in a cost-effective manner.

SECTION 13. 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) Director of the Oregon State Fair and Exposition Center.
- (H) State Fish and Wildlife Director.
- (I) State Forester.
- (J) State Geologist.
- (K) Director of Human Services.
- (L) Director of the Department of Consumer and Business Services.
- (M) Director of Division of State Lands.
- (N) State Librarian.
- (O) Administrator of Oregon Liquor Control Commission.
- (P) Superintendent of State Police.
- (Q) Director of the Public Employees Retirement System.
- (R) Director of Department of Revenue.
- (S) Director of Transportation.
- (T) Public Utility Commissioner.
- (U) Director of Veterans' Affairs.
- (V) Executive Director of Oregon Government Standards and Practices Commission.
- (W) Administrator of the Office of Energy.
- (X) 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 employees 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 community college district.
- (p) Every member of the following state boards and commissions:
 - (A) Capitol Planning Commission.
 - (B) Board of Geologic and Mineral Industries.
 - (C) Oregon Economic and Community Development Commission.
 - (D) State Board of Education.
 - (E) Environmental Quality Commission.
 - (F) Fish and Wildlife Commission of the State of Oregon.
 - (G) State Board of Forestry.
 - (H) Oregon Government Standards and Practices Commission.
 - (I) Oregon Health [Council] **Policy Commission.**

- (J) State Board of Higher Education.
- (K) Oregon Investment Council.
- (L) Land Conservation and Development Commission.
- (M) Oregon Liquor Control Commission.
- (N) Oregon Short Term Fund Board.
- (O) State Marine Board.
- (P) Mass transit district boards.
- (Q) Energy Facility Siting Council.
- (R) Board of Commissioners of the Port of Portland.
- (S) Employment Relations Board.
- (T) Public Employees Retirement Board.
- (U) Oregon Racing Commission.
- (V) Oregon Transportation Commission.
- (W) Wage and Hour Commission.
- (X) Water Resources Commission.
- (Y) Workers' Compensation Board.
- (Z) Oregon Facilities Authority.
- (AA) Oregon State Lottery Commission.
- (BB) Pacific Northwest Electric Power and Conservation Planning Council.
- (CC) Columbia River Gorge Commission.
- (DD) 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.

(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 date 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 date 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 shall file with the commission 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 operation of this chapter and from time to time may add to or delete from the list of boards and commissions in subsections (1) to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of this chapter.

(6) Subsections (1) to (5) 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 also apply to persons who do not become candidates until 30 days after the filing date for the statewide general election.

(7)(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 183.090, 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, the commission shall notify the public official and give the public official not less than 15 days to comply with the requirements of this section.

If the public official 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.

(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.

Passed by House August 8, 2003

Repassed by House August 23, 2003

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Chief Clerk of House

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Speaker of House

Passed by Senate August 22, 2003

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President of Senate

Received by Governor:

.....M,....., 2003

Approved:

.....M,....., 2003

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Governor

Filed in Office of Secretary of State:

.....M,....., 2003

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Secretary of State