

**2009 Legislative Session
Summary of Ethics Issues
(SB 30, 31 and 32)
Genoa Ingram**

Having lived with the ramifications of SB 10 since its passage in 2007, legislators have returned to the Capitol ready to make much needed corrections to this far reaching and often intrusive legislation which triggered the resignations of over 200 local public officials.

During the interim, legislators travelled the state to take testimony regarding how the new rules were affecting local governments. Several key issues have been identified and placed on a fast track for a legislative remedy and will most likely be amended into SB 30. Others remain under discussion.

Fast Track:

1. Remove Relatives from SEI Filings
2. Remove Requirement for Quarterly Reporting
3. Remove Requirement to Report Source of Income Less than \$1,000
4. Define "Legislative or Administrative Interest"
5. Define "Public Official"

Other Issues:

1. Remove Requirement to Post SEI Information on the Internet
2. Restore "Home Rule" for Counties that did not vote in the Ethics Laws
3. School Board Members
4. Applicability (Paid Public Officials Only? Legislators and Statewide Office Holders?)
5. Guide for Public Officials – Reinstate Safe Harbor
6. Gift Limitations
 - Should Limit be Increased?
 - Should Food and Beverage be Exempt?
 - Should Limits Apply to Relatives?

The problem now lies with public perception of "rolling back" the ethics laws, once again opening the door for lobbyists to treat legislators to expensive dinners and junkets.

**Summary of Proposed Amendments to SB 30 (Relating to government ethics)
February 3, 2009**

This summary is provided by the Senate Rules Committee staff to provide an overview of the proposed amendments, but is not intended to fully capture all parts of each amendment.

SB 30-1 Addresses issue of “legislative or administrative interest”

Leaves the substance of SB 30 in tact, and inserts new language after Section 1 to:

p. 7, Section 3 & Section 4: Amend the gift limit in ORS 244.025 & .040 by removing the requirement that the source be reasonably known to have a legislative or administrative interest “in any governmental agency...” By deleting “in any governmental agency,” the trigger is simply having a “legislative or administrative interest.”

p. 5, Section 2: Refines the current definition of “legislative or administrative interest” in ORS 244.020, clarifying that it means an economic interest, distinct from the general public, in “any matter subject to the action or vote of the person acting in the person’s capacity as a public official.”

p. 12, Section 6: Makes same change to reporting on statement of economic interest in ORS 244.070, so that income over \$1,000 is reportable from sources with simply “a legislative or administrative interest,” and not “in the governmental agency.”

Legislative Counsel staff added conforming amendments so that the ethics statutes are uniform in applying to both public officials and candidates for public office.

SB 30-2 Gift exemptions for appearing at scheduled program

Leaves the substance of SB 30 in tact, and inserts new language after Section 1 to:

ORS 244.020 exempts from the definition of gift admission provided to or the cost of food or beverage consumed by a public official if the official is appearing to speak or answer questions as part of a scheduled program of an organization. This amendment extends the exemption to occasions where the official “represents” a governmental body.

SB 30-3 Changes definition of “public official”

Leaves the substance of SB 30 in tact, and inserts new language after Section 1 to:

ORS 244.020 defines “public official” to include an elected or appointed official, “employee, agent or otherwise...” This amendment (on page 6) deletes the words “or otherwise.”

SB 30-4 Adds Depart of Corrections Director

Leaves the substance of SB 30 in tact, and inserts new language after Section 1 to:

Adds Director of Department of Corrections to list of officials required to file statements of economic interest.

SB 30-5 Allows friendship exemption

Leaves the substance of SB 30 in tact, and inserts new language after Section 1 to:

(page 5) Amends the definition of “gift” in ORS 244.020 so that it does not apply to gifts provided “on the basis of a personal friendship” unless the recipient has reason to believe gift was provided because of official’s position.

SB 30-9 Allows customary gift exemption from private employer

Provides that gift limits do not apply to gifts given as part of the usual or customary practice of the person’s business or employment that bear no relationship to the person’s official position.

30-9 does delete the original text of SB 30.