

House Bill 2348

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Representative-elect John Lim)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes duties, rights and obligations of Lieutenant Governor.
Takes effect only upon approval by people of Enrolled House Joint Resolution 7 (2005).

A BILL FOR AN ACT

1
2 Relating to Lieutenant Governor; creating new provisions; amending ORS 171.130, 171.133, 171.735,
3 176.250, 236.320, 240.185, 240.205, 244.020, 244.045, 244.050, 249.002, 249.056, 254.545, 254.555,
4 254.575, 258.036, 258.055, 260.005, 260.068, 260.076, 260.174, 279.855, 285A.131, 285A.133, 291.272,
5 292.010, 292.313, 292.316, 292.430, 292.930, 357.835, 401.055, 461.180, 805.220 and section 2, chap-
6 ter 542, Oregon Laws 2003; and prescribing an effective date.

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

8 **SECTION 1. (1) The term of office of the Lieutenant Governor commences upon the**
9 **publication of the returns by the Speaker of the House of Representatives, as provided in**
10 **section 4, Article V of the Oregon Constitution.**

11 **(2) In case of an election of the Governor by the Legislative Assembly, as provided in**
12 **section 5, Article V of the Oregon Constitution, the term of office of the Lieutenant Gover-**
13 **nor commences immediately upon the election.**

14 **(3) The Lieutenant Governor shall be inaugurated by taking the oath of office.**

15 **SECTION 2. The term of office of the Lieutenant Governor ceases when the successor**
16 **of the Lieutenant Governor, having been declared elected by the Legislative Assembly as**
17 **provided in the Oregon Constitution, is inaugurated by taking the oath of office.**

18 **SECTION 3. (1) The person elected to the office of Lieutenant Governor may take any**
19 **action prior to the commencement of the term of office commences that is necessary to**
20 **enable the Lieutenant Governor to exercise the powers and duties of the office of Lieutenant**
21 **Governor when the term commences.**

22 **(2) All necessary expenses of the Lieutenant Governor-elect incurred in carrying out the**
23 **provisions of this section shall be audited by the Secretary of State and paid from any funds**
24 **appropriated for this purpose in the same manner as other claims against the state are paid.**

25 **SECTION 4. ORS 171.130 is amended to read:**

26 **171.130. (1) As used in this section and ORS 171.133, "state agency" means every state**
27 **agency for which the costs of the agency are paid in whole or in part from funds held in the**
28 **State Treasury, except:**

29 **(a) The Legislative Assembly, the courts and their officers and committees;**

30 **(b) The Public Defense Services Commission; and**

31 **(c) The Governor, the Lieutenant Governor, the Secretary of State, the State Treasurer,**

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 **the Attorney General, the Commissioner of the Bureau of Labor and Industries and the Su-**
 2 **perintendent of Public Instruction.**

3 [(1)] (2) At any time in advance of any regular or special session of the Legislative Assembly
 4 fixed by the Legislative Counsel Committee, or at any time in advance of a special session [*as may*
 5 *be*] fixed by joint rules of both houses of the Legislative Assembly, the following may file a proposed
 6 legislative measure with the Legislative Counsel:

7 (a) Members who will serve in the session and members-elect.

8 (b) Interim and statutory committees of the Legislative Assembly.

9 [(2)] (3) On or before December 15 of the year preceding a regular legislative session, or at any
 10 time in advance of a special session as may be fixed by joint rules of both houses of the Legislative
 11 Assembly, the following may file a proposed legislative measure with the Legislative Counsel:

12 (a) The Oregon Department of Administrative Services, to implement the fiscal recommendations
 13 of the Governor contained in the budget report of the Governor.

14 (b) The person who will serve as Governor during the session.

15 (c) The **Lieutenant Governor**, the Secretary of State, the State Treasurer, the Attorney Gen-
 16 eral, the Commissioner of the Bureau of Labor and Industries and the Superintendent of Public In-
 17 struction.

18 (d) The Judicial Department.

19 [(3)] (4) Notwithstanding subsection [(2)] (3) of this section, a statewide elected official who in-
 20 itially assumes office in January of an odd-numbered year may submit proposed measures for intro-
 21 duction by members or committees of the Legislative Assembly until the calendar day designated
 22 by rules of either house of the Legislative Assembly. The exemption granted by this subsection to
 23 a newly elected Governor does not apply to state agencies in the executive branch.

24 [(4)] (5) On or before December 15 of the year preceding a regular legislative session, a state
 25 agency may file a proposed legislative measure with the Legislative Counsel through a member or
 26 committee of the Legislative Assembly.

27 [(5)] (6) The Legislative Counsel shall [*order*] **arrange for the printing of** each measure filed
 28 pursuant to [*subsections (1) to (4) of*] this section [*prepared for printing and may order the measure*
 29 *printed. If the person filing a measure specifically requests in writing that the measure be made*
 30 *available for distribution, the Legislative Counsel shall order the measure printed and shall make*
 31 *copies of the printed measure available for distribution before the beginning of the session to members*
 32 *and members-elect and to others upon request*].

33 [(6)] (7) Copies of all measures filed and prepared for printing or printed pursuant to this section
 34 shall be forwarded by the Legislative Counsel to the chief clerk of the house designated by the
 35 person filing the measure for introduction.

36 [(7)] (8) The costs of carrying out this section shall be paid out of the money appropriated for
 37 the expenses of that session of the Legislative Assembly for which the measure is to be printed.

38 [(8)] (9) The Legislative Counsel Committee may adopt rules or policies to accomplish the pur-
 39 pose of this section.

40 [(9) *This section does not affect any law or any rule of the Legislative Assembly or either house*
 41 *thereof relating to the introduction of legislative measures.*]

42 **SECTION 5.** ORS 171.133 is amended to read:

43 171.133. [(1)] A state agency [*shall*] **may** not cause a [*bill or*] measure to be introduced before
 44 the Legislative Assembly if the [*bill or*] **Governor has not approved the** measure [*has not been*
 45 *approved by the Governor*].

1 [(2) *As used in ORS 171.130 and this section, “state agency” means every state agency whose costs*
 2 *are paid wholly or in part from funds held in the State Treasury, except:]*

3 [(a) *The Legislative Assembly, the courts and their officers and committees;]*

4 [(b) *The Public Defense Services Commission; and]*

5 [(c) *The Secretary of State, the State Treasurer, the Attorney General, the Commissioner of the*
 6 *Bureau of Labor and Industries and the Superintendent of Public Instruction.]*

7 **SECTION 6.** ORS 171.735 is amended to read:

8 171.735. ORS 171.740 and 171.745 do not apply to the following persons:

9 (1) News media, or their employees or agents, that in the ordinary course of business directly
 10 or indirectly urge legislative action but that engage in no other activities in connection with the
 11 legislative action.

12 (2) Any legislative official acting in an official capacity.

13 (3) Any individual who receives no compensation or reimbursement of expenses for lobbying,
 14 who limits lobbying activities solely to formal appearances to give testimony before public sessions
 15 of committees of the Legislative Assembly, or public hearings of state agencies, and who, when
 16 testifying, registers an appearance in the records of the committees or agencies.

17 (4) A person who spends not more than 24 hours during any calendar quarter lobbying and who
 18 does not spend an amount in excess of \$100 lobbying during any calendar quarter.

19 (5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, **Lieu-**
 20 **tenant Governor**, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040,
 21 State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 178.060, Attorney Gen-
 22 eral, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public In-
 23 struction, Commissioner of the Bureau of Labor and Industries and any judge.

24 **SECTION 7.** ORS 176.250 is amended to read:

25 176.250. (1) Notwithstanding any provision of the Oregon Rules of Civil Procedure or other laws
 26 of this state, service of subpoena upon the Governor shall be made by delivering a copy to the legal
 27 counsel to the Governor or, in the legal counsel’s absence, an assistant to the Governor.

28 **(2) Notwithstanding any provision of the Oregon Rules of Civil Procedure or other laws**
 29 **of this state, service of subpoena upon the Lieutenant Governor shall be made by delivering**
 30 **a copy to an assistant to the Lieutenant Governor.**

31 **SECTION 8.** ORS 236.320 is amended to read:

32 236.320. Resignation shall be made as follows:

33 (1) By the **Lieutenant Governor**, Secretary of State[,] **and** State Treasurer and all officers
 34 elected by the legislature, to the Governor.

35 (2) By all officers who hold their offices by election, to the officer authorized by law to order
 36 a special election to fill the resulting vacancy.

37 (3) By all other officers holding their offices by appointment, to the body, board or officer that
 38 appointed them.

39 **SECTION 9.** ORS 240.185 is amended to read:

40 240.185. (1) [*On and after January 1, 1984,*] The number of persons employed by the state shall
 41 not exceed 1.5 percent of the state’s population of the prior year.

42 (2) The population figure shall be that required by ORS 190.510 to 190.610.

43 (3) This section applies to all full-time equivalent budgeted positions.

44 (4) This section does not apply to:

45 **(a) Employees in the offices of the Governor, the Lieutenant Governor, the Secretary of**

1 State, the State Treasurer, the Supreme Court or the Legislative Assembly in the conduct of duties
 2 vested in any of them by the Oregon Constitution. [*However, this exception applies only to the office*
 3 *of the Governor and not to the executive branch of government.*]

4 [(5) *This section does not apply to*]

5 (b) Personnel who administer unemployment insurance benefits programs of the Employment
 6 Department, to personnel who administer programs required to be implemented as a condition for
 7 the continued certification of the Employment Division Law by the United States Secretary of Labor
 8 or to personnel who administer programs implemented by the United States Department of Labor
 9 under federal law if the state is required to enter into contracts to provide [*such*] **the** programs.

10 [(6) *This section does not apply to*]

11 (c) Personnel whose positions are funded by the gifts, grants and contracts program in the De-
 12 partment of Higher Education.

13 [(7)] (5) In order to assess the effect of subsection (1) of this section, the Oregon Department
 14 of Administrative Services by December 31 of each even-numbered year shall conduct a workload
 15 analysis of each state agency, regardless of whether the agency is exempt from the application of
 16 subsection (1) of this section. The workload analysis of each agency shall be submitted to the Leg-
 17 islative Assembly prior to [*its*] **the convening of the Legislative Assembly** in regular session and
 18 shall accompany the agency's budget request before the Joint Ways and Means Committee.

19 **SECTION 10.** ORS 240.205 is amended to read:

20 240.205. The unclassified service shall comprise:

21 (1) One executive officer and one secretary for each board or commission, the members of which
 22 are elected officers or are appointed by the Governor.

23 (2) The director of each department of state government, each full-time salaried head of a state
 24 agency required by law to be appointed by the Governor and each full-time salaried member of a
 25 board or commission required by law to be appointed by the Governor.

26 (3) The administrator of each division within a department of state government required by law
 27 to be appointed by the director of the department with the approval of the Governor.

28 (4) Principal assistants and deputies and one private secretary for each executive or adminis-
 29 trative officer specified in ORS 240.200 (1) and in subsections (1) to (3) of this section. "Deputy"
 30 means the deputy or deputies to an executive or administrative officer listed in subsections (1) to
 31 (3) of this section who is authorized to exercise that officer's authority upon absence of the officer.
 32 "Principal assistant" means a manager of a major agency organizational component who reports
 33 directly to an executive or administrative officer listed in subsections (1) to (3) of this section or
 34 deputy and who is designated as such by that executive or administrative officer with the approval
 35 of the Director of the Oregon Department of Administrative Services.

36 (5) Employees in the Governor's office and **the Lieutenant Governor's office and** the principal
 37 assistant and private secretary in the Secretary of State's division.

38 (6) The deans, professors, principals, instructors and teachers in facilities operated under ORS
 39 346.010.

40 (7) Apprentice trainees only during the prescribed length of their course of training.

41 (8) Licensed physicians and dentists employed in their professional capacities and student
 42 nurses, interns, and patient or inmate help in state institutions.

43 (9) Lawyers employed in their professional capacities.

44 (10) All members of the Oregon State Police appointed under ORS 181.250 and 181.265.

45 (11) Deputy superintendents and associate superintendents in the Department of Education.

1 (12) Temporary seasonal farm laborers engaged in single phases of agricultural production or
2 harvesting.

3 (13) Any individual employed and paid from federal funds received under the Emergency Job and
4 Unemployment Assistance Act of 1974 (United States Public Law 93-567) or any other federal pro-
5 gram intended primarily to alleviate unemployment. However, persons employed under this sub-
6 section shall be treated as classified employees for purposes of ORS 243.650 to 243.782.

7 (14) Managers, department heads, directors, producers and announcers of the state radio and
8 television network.

9 (15) Employees, including managers, of the foreign trade offices of the Economic and Community
10 Development Department located outside the country.

11 (16) Any other position designated by law as unclassified.

12 **SECTION 11.** ORS 244.020 is amended to read:

13 244.020. As used in this chapter, unless the context requires otherwise:

14 (1) "Actual conflict of interest" means any action or any decision or recommendation by a per-
15 son acting in a capacity as a public official, the effect of which would be to the private pecuniary
16 benefit or detriment of the person or the person's relative or any business with which the person
17 or a relative of the person is associated unless the pecuniary benefit or detriment arises out of cir-
18 cumstances described in subsection (14) of this section.

19 (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise,
20 association, organization, self-employed individual and any other legal entity operated for economic
21 gain but excluding any income-producing not-for-profit corporation that is tax exempt under section
22 501(c) of the Internal Revenue Code with which a public official is associated in a nonremunerative
23 capacity.

24 (3) "Business with which the person is associated" means:

25 (a) Any private business or closely held corporation of which the person or the person's relative
26 is a director, officer, owner or employee, or agent or any private business or closely held corpo-
27 ration in which the person or the person's relative owns or has owned stock, another form of equity
28 interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding cal-
29 endar year;

30 (b) Any publicly held corporation in which the person or the person's relative owns or has
31 owned \$100,000 or more in stock or another form of equity interest, stock options or debt instru-
32 ments at any point in the preceding calendar year;

33 (c) Any publicly held corporation of which the person or the person's relative is a director or
34 officer; or

35 (d) For public officials required to file a statement of economic interest under ORS 244.050, any
36 business from which 50 percent or more of the total annual income of the person and members of
37 the person's household is derived during the current calendar year.

38 (4) "Commission" means the Oregon Government Standards and Practices Commission.

39 (5) "Development commission" means any entity which has the authority to purchase, develop,
40 improve or lease land or the authority to operate or direct the use of land. This authority must be
41 more than ministerial.

42 (6) "Expenditure" has the meaning given that term in ORS 260.005.

43 (7) "Gift" means something of economic value given to a public official or the public official's
44 relative without valuable consideration of equivalent value, including the full or partial forgiveness
45 of indebtedness, which is not extended to others who are not public officials or the relatives of

1 public officials on the same terms and conditions; and something of economic value given to a public
 2 official or the public official's relative for valuable consideration less than that required from others
 3 who are not public officials. However, "gift" does not mean:

4 (a) Campaign contributions, as described in ORS chapter 260.

5 (b) Gifts from family members.

6 (c) The giving or receiving of food, lodging and travel when participating in an event which
 7 bears a relationship to the public official's office and when appearing in an official capacity, subject
 8 to the reporting requirement of ORS 244.060 (6).

9 (d) The giving or receiving of food or beverage if the food or beverage is consumed by the public
 10 official or the public official's relatives in the presence of the purchaser or provider thereof.

11 (e) The giving or receiving of entertainment if the entertainment is experienced by the public
 12 official or the public official's relatives in the presence of the purchaser or provider thereof and the
 13 value of the entertainment does not exceed \$100 per person on a single occasion and is not greater
 14 than \$250 in any one calendar year.

15 (8) "Honoraria" means a payment or something of economic value given to a public official in
 16 exchange for services upon which custom or propriety prevents the setting of a price. Services in-
 17 clude, but are not limited to, speeches or other services rendered in connection with an event at
 18 which the public official appears in an official capacity.

19 (9) "Income" means income of any nature derived from any source, including, but not limited to,
 20 any salary, wage, advance, payment, dividend, interest, rent, honoraria, return of capital, forgiveness
 21 of indebtedness, or anything of economic value.

22 (10) "Legislative or administrative interest" means an economic interest, distinct from that of
 23 the general public, in one or more bills, resolutions, regulations, proposals or other matters subject
 24 to the action or vote of a person acting in the capacity of a public official.

25 (11) "Legislative official" means any member or member-elect of the Legislative Assembly, any
 26 member of an agency, board or committee that is part of the legislative branch and any staff person,
 27 assistant or employee thereof.

28 (12) "Member of household" means any relative who resides with the public official.

29 (13) "Planning commission" means a county planning commission created under ORS chapter 215
 30 or a city planning commission created under ORS chapter 227.

31 (14) "Potential conflict of interest" means any action or any decision or recommendation by a
 32 person acting in a capacity as a public official, the effect of which could be to the private pecuniary
 33 benefit or detriment of the person or the person's relative, or a business with which the person or
 34 the person's relative is associated, unless the pecuniary benefit or detriment arises out of the fol-
 35 lowing:

36 (a) An interest or membership in a particular business, industry, occupation or other class re-
 37 quired by law as a prerequisite to the holding by the person of the office or position.

38 (b) Any action in the person's official capacity which would affect to the same degree a class
 39 consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or
 40 other group including one of which or in which the person, or the person's relative or business with
 41 which the person or the person's relative is associated, is a member or is engaged. The commission
 42 may by rule limit the minimum size of or otherwise establish criteria for or identify the smaller
 43 classes that qualify under this exception.

44 (c) Membership in or membership on the board of directors of a nonprofit corporation that is
 45 tax-exempt under section 501(c) of the Internal Revenue Code.

1 (15) "Public official" means any person who, when an alleged violation of this chapter occurs,
 2 is serving the State of Oregon or any of its political subdivisions or any other public body of the
 3 state as an officer, employee, agent or otherwise, and irrespective of whether the person is com-
 4 pensated for such services.

5 (16) "Relative" means the spouse of the public official, any children of the public official or of
 6 the public official's spouse, and brothers, sisters or parents of the public official or of the public
 7 official's spouse.

8 (17) "Statement of economic interest" means a statement as described by ORS 244.060 to 244.080.

9 (18) "Statewide official" means the **Lieutenant Governor or Lieutenant Governor-elect**,
 10 Secretary of State or Secretary of State-elect, State Treasurer or State Treasurer-elect, Superinten-
 11 dent of Public Instruction or Superintendent-elect of Public Instruction, Attorney General or Attor-
 12 ney General-elect and the Commissioner of the Bureau of Labor and Industries or the
 13 Commissioner-elect of the Bureau of Labor and Industries.

14 (19) "Zoning commission" means an entity to which is delegated at least some of the discre-
 15 tionary authority of a planning commission or governing body relating to zoning and land use mat-
 16 ters.

17 **SECTION 12.** ORS 244.045 is amended to read:

18 244.045. (1) A person who has been a Public Utility Commissioner, the Director of the Depart-
 19 ment of Consumer and Business Services, the Administrator of the Division of Finance and Corpo-
 20 rate Securities, the Administrator of the Insurance Division, the Administrator of the Oregon Liquor
 21 Control Commission or the Director of the Oregon State Lottery [*shall*] **may** not:

22 (a) Within one year after the public official ceases to hold the position become an employee of
 23 or receive any financial gain, other than reimbursement of expenses, from any private employer
 24 engaged in the activity, occupation or industry over which the former public official had authority;
 25 or

26 (b) Within two years after the public official ceases to hold the position:

27 (A) Be a lobbyist for or appear as a representative before the agency over which the person
 28 exercised authority as a public official;

29 (B) Influence or try to influence the actions of the agency; or

30 (C) Disclose any confidential information gained as a public official.

31 (2) A person who has been a Deputy Attorney General or an assistant attorney general [*shall*]
 32 **may** not, within two years after the person ceases to hold the position, lobby or appear before an
 33 agency that the person represented while employed by the Department of Justice.

34 (3) A person who has been the State Treasurer or the Chief Deputy State Treasurer [*shall*] **may**
 35 not, within one year after ceasing to hold office:

36 (a) Accept employment from or be retained by any private entity with whom the office of the
 37 State Treasurer or the Oregon Investment Council negotiated or to whom either awarded a contract
 38 providing for payment by the state of at least \$25,000 in any single year during the term of office
 39 of the treasurer;

40 (b) Accept employment from or be retained by any private entity with whom the office of the
 41 State Treasurer or the Oregon Investment Council placed at least \$50,000 of investment moneys in
 42 any single year during the term of office of the treasurer; or

43 (c) Be a lobbyist for an investment institution, manager or consultant, or appear before the of-
 44 fice of the State Treasurer or Oregon Investment Council as a representative of an investment in-
 45 stitution, manager or consultant.

1 (4) A public official who as part of the official's duties invested public funds [*shall*] **may** not
 2 within two years after the public official ceases to hold the position:

3 (a) Be a lobbyist or appear as a representative before the agency, board or commission for which
 4 the former public official invested public funds;

5 (b) Influence or try to influence the agency, board or commission; or

6 (c) Disclose any confidential information gained as a public official.

7 (5)(a) A person who has been a member of the Department of State Police, who has held a po-
 8 sition with the department with the responsibility for supervising, directing or administering pro-
 9 grams relating to gaming by a Native American tribe or the Oregon State Lottery and who has been
 10 designated by the Superintendent of State Police by rule [*shall*] **may** not, within one year after the
 11 member of the Department of State Police ceases to hold the position:

12 (A) Accept employment from or be retained by or receive any financial gain related to gaming
 13 from the Oregon State Lottery or any Native American tribe;

14 (B) Accept employment from or be retained by or receive any financial gain from any private
 15 employer selling or offering to sell gaming products or services;

16 (C) Influence or try to influence the actions of the Department of State Police; or

17 (D) Disclose any confidential information gained as a member of the Department of State Police.

18 (b) This subsection does not apply to:

19 (A) Appointment or employment of a person as an Oregon State Lottery Commissioner or as a
 20 Tribal Gaming Commissioner or regulatory agent thereof;

21 (B) Contracting with the Oregon State Lottery as a lottery game retailer;

22 (C) Financial gain received from personal gaming activities conducted as a private citizen; or

23 (D) Subsequent employment in any capacity by the Department of State Police.

24 (c) As used in this subsection, "Native American tribe" means any recognized Native American
 25 tribe or band of tribes authorized by the Indian Gaming Regulatory Act of October 17, 1988 (Public
 26 Law 100-497), 25 U.S.C. 2701 et seq., to conduct gambling operations on tribal land.

27 **(6) An individual who has been the Lieutenant Governor may not, within one year after**
 28 **ceasing to hold office, accept employment with a person who has received funds from or**
 29 **entered into an agreement with the Economic and Community Development Department**
 30 **while the individual served as Lieutenant Governor.**

31 **SECTION 13.** ORS 244.050 is amended to read:

32 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
 33 Government Standards and Practices Commission a verified statement of economic interest as re-
 34 quired under this chapter:

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

38 (b) Any judicial officer, including justices of the peace and municipal judges, except municipal
 39 judges in those cities where a majority of the votes cast in the subject city in the 1974 general
 40 election was in opposition to the ballot measure provided for in section 10, chapter 68, Oregon Laws
 41 1974 (special session), and except any pro tem judicial officer who does not otherwise serve as a
 42 judicial officer.

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

44 (d) The Deputy Attorney General.

45 (e) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the

1 Secretary of the Senate and the Chief Clerk of the House of Representatives.

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

5 (g) The following state officers:

6 (A) Adjutant General.

7 (B) Director of Agriculture.

8 (C) Manager of State Accident Insurance Fund Corporation.

9 (D) Water Resources Director.

10 (E) Director of Department of Environmental Quality.

11 (F) Director of Oregon Department of Administrative Services.

12 (G) Director of the Oregon State Fair and Exposition Center.

13 (H) State Fish and Wildlife Director.

14 (I) State Forester.

15 (J) State Geologist.

16 (K) Director of Human Services.

17 (L) Director of the Department of Consumer and Business Services.

18 (M) Director of the Department of State Lands.

19 (N) State Librarian.

20 (O) Administrator of Oregon Liquor Control Commission.

21 (P) Superintendent of State Police.

22 (Q) Director of the Public Employees Retirement System.

23 (R) Director of Department of Revenue.

24 (S) Director of Transportation.

25 (T) Public Utility Commissioner.

26 (U) Director of Veterans' Affairs.

27 (V) Executive Director of Oregon Government Standards and Practices Commission.

28 (W) Director of the State Department of Energy.

29 (X) Director and each assistant director of the Oregon State Lottery.

30 (h) Any assistant in the Governor's office other than personal secretaries and clerical personnel.

31 (i) Every elected city or county official except elected officials in those cities or counties where
32 a majority of votes cast in the subject city or county in any election on the issue of filing statements
33 of economic interest under this chapter was in opposition.

34 (j) Every member of a city or county planning, zoning or development commission except such
35 members in those cities or counties where a majority of votes cast in the subject city or county at
36 any election on the issue of filing statements of economic interest under this chapter was in oppo-
37 sition to the ballot measure provided for in section 10, chapter 68, Oregon Laws 1974 (special ses-
38 sion).

39 (k) The chief executive officer of a city or county who performs the duties of manager or prin-
40 cipal administrator of the city or county except such employees in those cities or counties where a
41 majority of votes cast in the subject city or county in an election on the issue of filing statements
42 of economic interest under this chapter was in opposition.

43 (L) Members of local government boundary commissions formed under ORS 199.410 to 199.519.

44 (m) Every member of a governing body of a metropolitan service district and the executive of-
45 ficer thereof.

- 1 (n) Each member of the board of directors of the State Accident Insurance Fund Corporation.
2 (o) The chief administrative officer and the financial officer of each common and union high
3 school district, education service district and community college district.
4 (p) Every member of the following state boards and commissions:
5 (A) Capitol Planning Commission.
6 (B) Board of Geologic and Mineral Industries.
7 (C) Oregon Economic and Community Development Commission.
8 (D) State Board of Education.
9 (E) Environmental Quality Commission.
10 (F) Fish and Wildlife Commission of the State of Oregon.
11 (G) State Board of Forestry.
12 (H) Oregon Government Standards and Practices Commission.
13 (I) Oregon Health Policy Commission.
14 (J) State Board of Higher Education.
15 (K) Oregon Investment Council.
16 (L) Land Conservation and Development Commission.
17 (M) Oregon Liquor Control Commission.
18 (N) Oregon Short Term Fund Board.
19 (O) State Marine Board.
20 (P) Mass transit district boards.
21 (Q) Energy Facility Siting Council.
22 (R) Board of Commissioners of the Port of Portland.
23 (S) Employment Relations Board.
24 (T) Public Employees Retirement Board.
25 (U) Oregon Racing Commission.
26 (V) Oregon Transportation Commission.
27 (W) Wage and Hour Commission.
28 (X) Water Resources Commission.
29 (Y) Workers' Compensation Board.
30 (Z) Oregon Facilities Authority.
31 (AA) Oregon State Lottery Commission.
32 (BB) Pacific Northwest Electric Power and Conservation Planning Council.
33 (CC) Columbia River Gorge Commission.
34 (DD) Oregon Health and Science University Board of Directors.
35 (q) The following officers of the State Treasury:
36 (A) Chief Deputy State Treasurer.
37 (B) Executive Assistant to the State Treasurer.
38 (C) Director of the Investment Division.
39 (r) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
40 and 777.915 to 777.953.
41 (2) By April 15 next after the date an appointment takes effect, every appointed public official
42 on a board or commission listed in subsection (1) of this section shall file with the commission a
43 statement of economic interest as required under ORS 244.060, 244.070 and 244.090.
44 (3) By April 15 next after the filing date for the primary election, each candidate for elective
45 public office described in subsection (1) of this section shall file with the commission a statement

1 of economic interest as required under ORS 244.060, 244.070 and 244.090.

2 (4) Within 30 days after the filing date for the general election, each candidate for elective
 3 public office described in subsection (1) of this section who was not a candidate in the preceding
 4 primary election shall file with the commission a statement of economic interest as required under
 5 ORS 244.060, 244.070 and 244.090.

6 (5) The Legislative Assembly shall maintain a continuing review of the operation of this chapter
 7 *[and from time to time may add to or delete from the list of boards and commissions in subsections (1)*
 8 *to (3) of this section as in the judgment of the Legislative Assembly is consistent with the purposes of*
 9 *this chapter].*

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

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

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

20 (c) If within five days after the date on which the statement is to be filed under this section the
 21 statement has not been received by the commission, the commission shall notify the public official
 22 and give the public official not less than 15 days to comply with the requirements of this section.
 23 If the public official fails to comply by the date set by the commission, the commission may impose
 24 a civil penalty of \$5 for each day the statement is late beyond the date fixed by the commission.
 25 The maximum penalty that may be accrued under this section is \$1,000.

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

28 **SECTION 14.** ORS 249.002 is amended to read:

29 249.002. As used in this chapter:

30 (1) "Candidate" means an individual whose name is or is expected to be printed on the official
 31 ballot.

32 (2) "County clerk" means the county clerk or the county official in charge of elections.

33 (3) "Elector" means an individual qualified to vote under section 2, Article II, Oregon Consti-
 34 tution.

35 (4) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
 36 Tax Court[, or any county judge who exercises judicial functions].

37 (5) "Member" means an individual who is registered as being affiliated with the political party.

38 (6) "Minor political party" means a political party that has qualified as a minor political party
 39 under ORS 248.008.

40 (7) "Nonpartisan office" means the office of judge, Superintendent of Public Instruction, Com-
 41 missioner of the Bureau of Labor and Industries, any elected office of a metropolitan service district
 42 under ORS chapter 268, justice of the peace, county clerk, county assessor, **county judge**, county
 43 surveyor, county treasurer, sheriff, district attorney or any office designated nonpartisan by a home
 44 rule charter.

45 (8) "Prospective petition" means the information, except signatures and other identification of

1 petition signers, required to be contained in a completed petition.

2 (9) "Public office" means any national, state, county, city or district office or position, except
3 a political party office, filled by the electors.

4 (10) "State office" means Governor, **Lieutenant Governor**, Secretary of State, State Treasurer,
5 Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public
6 Instruction, judge, state Senator, state Representative or district attorney.

7 **SECTION 15.** ORS 249.056 is amended to read:

8 249.056. (1) At the time of filing a declaration of candidacy a candidate for the following offices
9 shall pay to the officer with whom the declaration is filed the following fee:

10 (a) United States Senator, \$150.

11 (b) Governor, **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney General,
12 Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction, Repre-
13 sentative in Congress, judge of the Supreme Court, Court of Appeals or Oregon Tax Court, or
14 executive officer or auditor of a metropolitan service district, \$100.

15 (c) County office, district attorney or circuit court judge, \$50.

16 (d) State Senator or Representative or councilor of a metropolitan service district under ORS
17 chapter 268, \$25.

18 (2) No filing fee shall be required of persons filing a declaration of candidacy for precinct com-
19 mitteeperson or justice of the peace.

20 **SECTION 16.** ORS 254.545 is amended to read:

21 254.545. The county clerk:

22 (1) As soon as possible after any election, shall prepare abstracts of votes. The abstract for
23 [election] **elections** of Governor **and Lieutenant Governor** shall be on a sheet separate from the
24 abstracts for other offices and measures.

25 (2) On completion of the abstracts, shall record a complete summary of votes cast in the county
26 for each office, candidate for office and measure. The county clerk shall sign and certify this record.
27 After the primary election, the county clerk, for each office for which the clerk is filing officer, shall
28 enter in a register of nominations the name and, if applicable, major political party of each candi-
29 date nominated, the office for which the candidate is nominated, and the date of entry.

30 (3) Not later than the 20th day after the election, shall deliver a copy of the abstracts for other
31 than county offices to the appropriate elections officials. The abstract for [election] **elections** of
32 Governor **and Lieutenant Governor** shall be delivered separately to the Secretary of State as
33 provided in section 4, Article V, Oregon Constitution.

34 (4) Not later than the 30th day after the election, shall proclaim which county measure is par-
35 amount, if two or more approved county measures contain conflicting provisions.

36 (5) Shall prepare and deliver a certificate of nomination or election to each candidate having
37 the most votes for nomination for or election to county or precinct offices.

38 (6) Shall prepare, and file with the county governing body, a certificate stating the compensation
39 to which the board clerks are entitled. The county governing body shall order the compensation paid
40 by county funds.

41 **SECTION 17.** ORS 254.555 is amended to read:

42 254.555. (1) Not later than the 30th day after any election, the Secretary of State, regarding of-
43 fices for which the secretary receives filings for nomination, shall:

44 (a) Canvass the votes for the offices, except the [office] **offices** of Governor **and Lieutenant**
45 **Governor** after the general election.

1 (b) Enter in a register of nominations after the primary election the name and, if applicable,
 2 major political party of each candidate nominated, the office for which the candidate is nominated,
 3 and the date of entry.

4 (c) Prepare and deliver a certificate of nomination or election to each candidate having the most
 5 votes for nomination for or election to the office. The Secretary of State shall sign the certificate
 6 under the seal of the state.

7 (d) Issue a proclamation declaring the election of candidates to the offices.

8 (2) Not later than the 30th day after the election:

9 (a) The Secretary of State, regarding measures for which the secretary as the filing officer, shall
 10 canvass the votes for each measure.

11 (b) The Governor shall issue a proclamation giving the number of votes cast for or against each
 12 such measure, and declaring the approved measures as the law on the effective date of the measure.
 13 If two or more approved measures contain conflicting provisions, the Governor shall proclaim which
 14 is paramount.

15 **SECTION 18.** Section 2, chapter 542, Oregon Laws 2003, is amended to read:

16 **Sec. 2.** (1) If the Secretary of State determines that a vacancy exists in the nomination of a
 17 candidate of a major political party for state office, that the vacancy is due to the death of the
 18 candidate and that the vacancy occurred after the 30th day before the date of the general election:

19 (a) The election for that state office may not be held at the general election;

20 (b) The county clerks may not count ballots cast for candidates for that state office at the
 21 general election; and

22 (c) The Secretary of State shall order a special election as provided in section 3, **chapter 542,**
 23 **Oregon Laws 2003** [*of this 2003 Act*].

24 (2) The candidates listed on the ballot at the special election shall be:

25 (a) The candidates who were listed on the general election ballot, other than the candidate
 26 whose nomination became vacant; and

27 (b) The candidate selected to fill the vacancy in the nomination as provided in ORS 249.190 or
 28 249.205.

29 (3) As used in this section “state office” means the office of Governor, **Lieutenant Governor,**
 30 Secretary of State, State Treasurer, Attorney General, state Senator or state Representative.

31 **SECTION 19.** ORS 254.575 is amended to read:

32 254.575. When two or more candidates for the same office, after a full recount of votes, have an
 33 equal and the highest number of votes:

34 (1) For election to state Senator or Representative, a party office, or a public office for which
 35 the elections officer is other than the Secretary of State, the elections officer shall have the candi-
 36 dates meet publicly to decide by lot who is elected.

37 (2) For election to a public office other than Governor, **Lieutenant Governor** or those referred
 38 to in subsection (1) of this section, the Secretary of State by proclamation shall order a new election
 39 to fill the office.

40 (3) For election to Governor **or Lieutenant Governor,** the Legislative Assembly at the begin-
 41 ning of the next regular session shall meet jointly and elect one of the candidates **for each office.**

42 (4) For nomination by one major political party to an office, the elections officer who receives
 43 filings for nomination to the office shall have the candidates meet publicly to decide by lot who is
 44 nominated.

45 **SECTION 20.** ORS 258.036 is amended to read:

1 258.036. (1) Not later than the 40th day after the election or the seventh day after completion
 2 of a recount of votes cast in connection with the nomination, office or measure, any person au-
 3 thorized to contest a result of the election may file a petition of contest. The petition shall be filed
 4 with:

5 (a) The Circuit Court for Marion County if the petition involves a state measure, a candidate
 6 for election to the office of elector of President and Vice President of the United States or a can-
 7 didate for nomination or election to the office of United States Senator, United States Represen-
 8 tative in Congress, Governor, **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney
 9 General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public Instruction
 10 or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the Oregon
 11 Tax Court.

12 (b) The circuit court for the county where a majority of the electors in the electoral district
 13 reside if the petition involves a candidate for nomination or election to the office of state Senator,
 14 state Representative, circuit court judge or district attorney.

15 (c) The circuit court for the county in which the filing officer is located if the petition involves
 16 a candidate for nomination or election to county, city or district office or a county, city or district
 17 measure. If a district is located in more than one county, the petition shall be filed with the circuit
 18 court for the county in which the administrative office of the district is located.

19 (2) The petition shall be verified in the manner required for verification of complaints in civil
 20 cases and shall specify:

- 21 (a) The cause of the contest; and
- 22 (b) The names of all contestees.

23 **SECTION 21.** ORS 258.055 is amended to read:

24 258.055. (1) Except as provided in subsection (2) of this section, when a contestant files a peti-
 25 tion of contest with the circuit court described under ORS 258.036 (1), the contestant shall, within
 26 three business days of filing the petition, publish a notice stating that the petition has been filed
 27 and identifying the date of the deadline described in this subsection for filing a motion to intervene.
 28 The notice shall be published at least once in the next available issue of a newspaper of general
 29 circulation published in the county where the proceeding is pending. Jurisdiction over the election
 30 contest shall be complete within 10 days after the notice is published as provided in this section.
 31 Any person interested may at any time before the expiration of the 10 days appear and contest the
 32 validity of the proceeding, or of any of the acts or things enumerated in the proceeding.

33 (2) Subsection (1) of this section does not apply if the contest involves a state measure, the
 34 election of a candidate to the office of elector of President and Vice President of the United States
 35 or the nomination or election of a candidate to the office of United States Senator, United States
 36 Representative in Congress, Governor, **Lieutenant Governor**, Secretary of State, State Treasurer,
 37 Attorney General, Commissioner of the Bureau of Labor and Industries, Superintendent of Public
 38 Instruction or a position of judge on the Oregon Supreme Court, the Oregon Court of Appeals or the
 39 Oregon Tax Court.

40 (3) Not later than two business days after a petition of contest is filed with the circuit court,
 41 the contestant shall serve a copy of the petition by certified mail on each contestee. If the Secre-
 42 tary of State or county clerk is not a contestee, not later than one business day after a petition of
 43 contest is filed with the circuit court, the contestant shall file a copy of the petition with:

- 44 (a) The Secretary of State if the petition involves a candidate for state office or a state measure;
- 45 or

1 (b) The county clerk if the petition involves a candidate for county, city or district office or a
 2 county, city or district measure. As used in this paragraph, “county clerk” includes the county clerk
 3 of the county in which the administrative office of a city or district is located regarding a measure
 4 or a candidate for an office to be voted on in a city or district located in more than one county.

5 (4) The circuit court shall fix a time for the hearing by the circuit court of the contest pro-
 6 ceeding, and not later than the fifth day before the hearing shall give written notice of the hearing
 7 to each party to the proceeding. In fixing the time for the hearing, the court shall consider the dates
 8 set in any notice published under subsection (1) of this section and the dates of service on the
 9 contestees. The contest proceeding shall take precedence over all other business on the circuit court
 10 docket.

11 (5) The circuit court shall hear and determine the proceeding without a jury and shall issue
 12 written findings of law and fact. The practice and procedure otherwise applicable to civil cases
 13 shall govern the proceeding, except that the contestant has the burden of proof by clear and con-
 14 vincing evidence.

15 **SECTION 22.** ORS 260.005, as amended by section 9, chapter 542, Oregon Laws 2003, is
 16 amended to read:

17 260.005. As used in this chapter:

18 (1)(a) “Candidate” means:

19 (A) An individual whose name is printed on a ballot, for whom a declaration of candidacy,
 20 nominating petition or certificate of nomination to public office has been filed or whose name is
 21 expected to be or has been presented, with the individual’s consent, for nomination or election to
 22 public office;

23 (B) An individual who has solicited or received and accepted a contribution, made an expendi-
 24 ture, or given consent to an individual, organization, political party or political committee to solicit
 25 or receive and accept a contribution or make an expenditure on the individual’s behalf to secure
 26 nomination or election to any public office at any time, whether or not the office for which the in-
 27 dividual will seek nomination or election is known when the solicitation is made, the contribution
 28 is received and retained or the expenditure is made, and whether or not the name of the individual
 29 is printed on a ballot; or

30 (C) A public office holder against whom a recall petition has been completed and filed.

31 (b) For purposes of this section and ORS 260.035 to 260.156, “candidate” does not include a
 32 candidate for the office of precinct committeeperson.

33 (2) “Committee director” means any person who directly and substantially participates in
 34 decision-making on behalf of a political committee concerning the solicitation or expenditure of
 35 funds and the support of or opposition to candidates or measures. The officers of a political party
 36 shall be considered the directors of any political party committee of that party, unless otherwise
 37 provided in the party’s bylaws.

38 (3)(a) Except as provided in ORS 260.007, “contribute” or “contribution” includes:

39 (A) The payment, loan, gift, forgiving of indebtedness, or furnishing without equivalent compen-
 40 sation or consideration, of money, services other than personal services for which no compensation
 41 is asked or given, supplies, equipment or any other thing of value:

42 (i) For the purpose of influencing an election for public office or an election on a measure, or
 43 of reducing the debt of a candidate for nomination or election to public office or the debt of a pol-
 44 itical committee; or

45 (ii) To or on behalf of a candidate, political committee or measure; and

1 (B) Any unfulfilled pledge, subscription, agreement or promise, whether or not legally enforceable, to make a contribution.

2
3 (b) Regarding a contribution made for compensation or consideration of less than equivalent value, only the excess value of it shall be considered a contribution.

4
5 (4) "County clerk" means the county clerk or the county official in charge of elections.

6 (5) "Elector" means an individual qualified to vote under section 2, Article II of the Oregon Constitution.

7
8 (6) Except as provided in ORS 260.007, "expend" or "expenditure" includes the payment or furnishing of money or anything of value or the incurring or repayment of indebtedness or obligation by or on behalf of a candidate, political committee or person in consideration for any services, supplies, equipment or other thing of value performed or furnished for any reason, including support of or opposition to a candidate, political committee or measure, or for reducing the debt of a candidate for nomination or election to public office. "Expenditure" also includes contributions made by a candidate or political committee to or on behalf of any other candidate or political committee.

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15 (7) "Filing officer" means:

16 (a) The Secretary of State, regarding a candidate for any state office or any office to be voted for in the state at large or in a congressional district or regarding a measure to be voted on in the state at large.

17
18
19 (b) The county clerk, regarding a candidate for any county office or any district or precinct office within the county, or regarding a measure to be voted for in one county or in a district situated wholly within one county.

20
21
22 (c) The chief city elections officer, regarding a candidate for any city office, or a measure to be voted for in a city only.

23
24 (d) The county clerk of the county in which the office of the chief administrative officer or administrative board is located regarding a candidate for office for any district or regarding a measure to be voted on in a district, when the district is situated in more than one county.

25
26
27 (e) In the case of an irrigation district formed under ORS chapter 545:

28 (A) The county clerk, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated wholly in one county;

29
30 (B) The county clerk of the county in which the office of the secretary of the proposed irrigation district will be located, regarding any candidate for office or any measure at an irrigation district formation election where the proposed district is situated in more than one county; or

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33 (C) The secretary of the irrigation district for any election other than an irrigation district formation election.

34
35 (8) "Independent expenditure" means an expenditure by a person for a communication expressly advocating the election or defeat of a clearly identified candidate that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate. As used in this subsection:

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38 (a) "Agent" means any person who has:

39 (A) Actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate; or

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42 (B) Been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities the person may authorize expenditures.

43
44
45 (b) "Clearly identified" means:

1 (A) The name of the candidate involved appears;

2 (B) A photograph or drawing of the candidate appears; or

3 (C) The identity of the candidate is apparent by unambiguous reference.

4 (c) "Expressly advocating" means any communication containing a message advocating election
5 or defeat, including but not limited to the name of the candidate, or expressions such as "vote
6 for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

7 (d) "Made with the cooperation or with the prior consent of, or in consultation with, or at the
8 request or suggestion of, a candidate or any agent or authorized committee of the candidate":

9 (A) Means any arrangement, coordination or direction by the candidate or the candidate's agent
10 prior to the publication, distribution, display or broadcast of the communication. An expenditure
11 shall be presumed to be so made when it is:

12 (i) Based on information about the candidate's plans, projects or needs provided to the expending
13 person by the candidate or by the candidate's agent, with a view toward having an expenditure
14 made; or

15 (ii) Made by or through any person who is or has been authorized to raise or expend funds, who
16 is or has been an officer of a political committee authorized by the candidate or who is or has been
17 receiving any form of compensation or reimbursement from the candidate, the candidate's principal
18 campaign committee or agent; and

19 (B) Does not include providing to the expending person upon request a copy of this chapter or
20 any rules adopted by the Secretary of State relating to independent expenditures.

21 (9) "Initiative petition" means a petition to initiate a measure for which a prospective petition
22 has been filed but that is not yet a measure.

23 (10) "Judge" means judge of the Supreme Court, Court of Appeals, circuit court or the Oregon
24 Tax Court.

25 (11) "Mass mailing" means more than 200 substantially similar pieces of mail, but does not in-
26 clude a form letter or other mail that is sent in response to an unsolicited request, letter or other
27 inquiry.

28 (12) "Measure" includes any of the following submitted to the people for their approval or re-
29 jection at an election:

30 (a) A proposed law.

31 (b) An Act or part of an Act of the Legislative Assembly.

32 (c) A revision of or amendment to the Oregon Constitution.

33 (d) Local, special or municipal legislation.

34 (e) A proposition or question.

35 (13) "Occupation" means the nature of an individual's principal business or, if the individual is
36 employed by another person, the nature of the individual's principal business or the business name
37 and address of the employer.

38 (14) "Person" means an individual, corporation, limited liability company, labor organization,
39 association, firm, partnership, joint stock company, club, organization or other combination of indi-
40 viduals having collective capacity.

41 (15)(a) "Political committee" means a combination of two or more individuals, or a person other
42 than an individual, that has:

43 (A) Received a contribution for the purpose of supporting or opposing a candidate, measure or
44 political party; or

45 (B) Made an expenditure for the purpose of supporting or opposing a candidate, measure or

1 political party.

2 (b) For purposes of paragraph (a)(B) of this subsection, an expenditure does not include:

3 (A) A contribution to a candidate or political committee that is required to report the contri-
4 bution on a statement filed under ORS 260.058, 260.063, 260.068, 260.073, 260.076 or 260.102 or sec-
5 tion 6, chapter 542, Oregon Laws 2003, or a certificate filed under ORS 260.112; or

6 (B) An independent expenditure for which a statement is required to be filed by a person under
7 ORS 260.044 (1).

8 (16) "Public office" means any national, state, county, district, city office or position, except a
9 political party office, that is filled by the electors.

10 (17) "Recall petition" means a petition to recall a public officer for which a prospective petition
11 has been filed but that is not yet a measure.

12 (18) "Referendum petition" means a petition to refer a measure for which a prospective petition
13 has been filed but that is not yet a measure.

14 (19) "Slate mailer" means a mass mailing that supports or opposes a total of three or more
15 candidates or measures.

16 (20)(a) "Slate mailer organization" means, except as provided in paragraph (b) of this subsection,
17 any person who directly or indirectly:

18 (A) Is involved in the production of one or more slate mailers and exercises control over the
19 selection of the candidates and measures to be supported or opposed in the slate mailers; and

20 (B) Receives or is promised payment for producing one or more slate mailers or for endorsing
21 or opposing, or refraining from endorsing or opposing, a candidate or measure in one or more slate
22 mailers.

23 (b) Notwithstanding paragraph (a) of this subsection, "slate mailer organization" does not in-
24 clude:

25 (A) A political committee organized by a political party; or

26 (B) A political committee organized by the caucus of either the Senate or the House of Repre-
27 sentatives of the Legislative Assembly.

28 (21) "State office" means the office of Governor, **Lieutenant Governor**, Secretary of State,
29 State Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, Super-
30 intendent of Public Instruction, state Senator, state Representative, judge or district attorney.

31 **SECTION 23.** ORS 260.068 is amended to read:

32 260.068. (1) Except as otherwise provided in ORS 260.112 and subsection (4) of this section, each
33 candidate seeking election at the general election or a candidate's principal campaign committee
34 at the general election shall file the following with each appropriate filing officer:

35 (a) A first preelection statement of contributions received and expenditures made by or on be-
36 half of the candidate or the candidate's principal campaign committee, not sooner than the 46th day
37 and not later than the 36th day before the date of the election. For a candidate nominated at the
38 primary election or for that candidate's principal campaign committee, the accounting period for the
39 statement required by this paragraph begins on the 21st day after the primary election. For a can-
40 didate not nominated at the primary election or for that candidate's principal campaign committee,
41 the accounting period for the statement required by this paragraph begins on the date that the name
42 of a treasurer is certified to the filing officer under ORS 260.035 or 260.037 unless a candidate or
43 a candidate's principal campaign committee has filed a post-election or supplemental statement of
44 contributions and expenditures showing an unexpended balance of contributions or an expenditure
45 deficit for a previous election other than the preceding primary election. If such a post-election or

1 supplemental statement is filed, the accounting period begins on the day following the last day of
2 the accounting period for the statement filed for that previous election. If a candidate or a candi-
3 date's principal campaign committee has filed a post-election or supplemental statement of contri-
4 butions and expenditures for a previous election other than the preceding primary election showing
5 no balance or no deficit, the accounting period begins on the day that the candidate or the candi-
6 date's principal campaign committee next receives a contribution or makes an expenditure. If the
7 statement for a previous election shows an unexpended balance of contributions or an expenditure
8 deficit, the beginning balance on the statement required by this paragraph shall be the amount of
9 the unexpended balance of contributions or expenditure deficit. The accounting period for the
10 statement required by this paragraph ends on the 47th day before the date of the election.

11 (b) A second preelection statement of contributions received and expenditures made by or on
12 behalf of the candidate or the candidate's principal campaign committee, not sooner than the 15th
13 day and not later than the 12th day before the date of the election. The accounting period for the
14 statement required by this paragraph begins on the 46th day before the date of the election and ends
15 on the 16th day before the date of the election.

16 (c) Supplements to the second preelection statement showing contributions received and expen-
17 ditures made as described in this paragraph by or on behalf of the candidate or the candidate's
18 principal campaign committee. A supplement shall be filed if, during a period described in this par-
19 agraph, the aggregate amount of contributions, including loans, whether repaid or not, received from
20 a single political committee or other person exceeds \$500, or the aggregate amount of expenditures
21 made by or on behalf of the candidate or the candidate's principal campaign committee to a single
22 payee exceeds \$1,000. A first supplement shall be filed not later than the eighth day before the date
23 of the election for the accounting period beginning on the 15th day before the date of the election
24 and ending on the ninth day before the date of the election. A second supplement shall be filed not
25 later than the fourth day before the date of the election for the accounting period beginning on the
26 eighth day before the date of the election and ending on the fifth day before the date of the election.
27 The supplements shall be filed on forms prescribed by the Secretary of State by rule. A candidate
28 or treasurer of the candidate's principal campaign committee who filed a certificate under ORS
29 260.112 shall file supplements under this paragraph if the aggregate amount of contributions re-
30 ceived or expenditures made exceeds \$2,000 because of contributions received or expenditures made
31 during a period described in this paragraph.

32 (d) A post-election statement of contributions received and expenditures made by or on behalf
33 of the candidate or the candidate's principal campaign committee, not sooner than the 21st day and
34 not later than the 30th day after the date of the election. The accounting period for the statement
35 required by this paragraph begins on the 15th day before the date of the election and ends on the
36 20th day after the date of the election.

37 (2) A candidate for the office of Governor, **Lieutenant Governor**, Secretary of State, State
38 Treasurer, Attorney General, Commissioner of the Bureau of Labor and Industries, state Senator or
39 state Representative, or a candidate's principal campaign committee shall file a supplement to the
40 post-election statement of contributions received and expenditures made by or on behalf of the
41 candidate or the candidate's principal campaign committee not sooner than the first business day in
42 January and not later than the Friday before the second Monday in January. The supplement shall
43 be filed if the aggregate contributions received from any political committee or other person exceed
44 \$500 during the period beginning after the 20th day after the date of the election and ending on
45 December 31 and shall disclose only those contributions received from any political committee or

1 other person that exceed an aggregate of \$500 during the period beginning after the 20th day after
 2 the date of the election and ending on December 31. The supplement shall be written but may be
 3 transmitted to the filing officer by any means available. A candidate described in this subsection or
 4 the treasurer of the candidate's principal campaign committee who filed a certificate under ORS
 5 260.112 shall file a supplement under this subsection if the aggregate contributions exceed \$2,000
 6 because of contributions received after the 20th day following the election and prior to January 1
 7 of the following year.

8 (3) A candidate or a candidate's principal campaign committee shall file a supplemental state-
 9 ment of contributions received and expenditures made by or on behalf of the candidate or the candi-
 10 date's principal campaign committee, if the post-election statement required by subsection (1)(d)
 11 of this section shows an unexpended balance of contributions or an expenditure deficit. A supple-
 12 mental statement shall be filed annually not later than September 10, until a statement containing
 13 no balance or no deficit is filed. The accounting period for the statement required by this subsection
 14 begins on the day following the last day of the accounting period for the previous statement filed
 15 and ends on September 1.

16 (4) A candidate for federal office shall file statements required by the federal election laws in
 17 lieu of the statements required by ORS 260.035 to 260.156. The statements required by federal
 18 election laws shall be filed in the office of the Secretary of State on or before the federal filing
 19 dates. At any time the Secretary of State by rule may make a determination that the standards and
 20 requirements of the federal election laws relating to candidates for federal office are not substan-
 21 tially similar to those contained in ORS 260.035 to 260.156. If the Secretary of State makes this de-
 22 termination, candidates for federal office are subject to the requirements of ORS 260.035 to 260.156.

23 (5) Each statement and the supplement required by this section shall be signed and certified as
 24 true by the candidate or treasurer required to file it.

25 **SECTION 24.** ORS 279.855 is amended to read:

26 279.855. The following may purchase equipment, materials, supplies and services through the
 27 Oregon Department of Administrative Services in the same manner as state agencies as provided in
 28 ORS 279.545 to 279.746 and 279.800 to 279.833:

29 (1) Qualified nonprofit agencies for disabled individuals participating in the program set forth
 30 in ORS 279.015 and 279.835 to 279.850.

31 (2) Residential programs when under contract with the Department of Human Services to pro-
 32 vide services to youth in the custody of the state.

33 (3) Public benefit corporations, as defined in ORS 65.001, that provide public services either
 34 under contract with a state agency, as defined in ORS [171.133] 171.130, or under contract with a
 35 unit of local government, as defined in ORS 190.003, that funds the contract, in whole or in part,
 36 with state funds.

37 **SECTION 25.** ORS 279.855, as amended by section 229f, chapter 794, Oregon Laws 2003, is
 38 amended to read:

39 279.855. The following may purchase equipment, materials, supplies and services through the
 40 Oregon Department of Administrative Services in the same manner as state agencies as provided in
 41 ORS 279A.140 to 279A.155 and 279A.250 to 279A.290:

42 (1) Qualified nonprofit agencies for disabled individuals participating in the program set forth
 43 in ORS 279.835 to 279.855, 279A.025 (4) and 279C.335.

44 (2) Residential programs when under contract with the Department of Human Services to pro-
 45 vide services to youth in the custody of the state.

1 (3) Public benefit corporations, as defined in ORS 65.001, that provide public services either
 2 under contract with a state agency, as defined in ORS [171.133] **171.130**, or under contract with a
 3 unit of local government, as defined in ORS 190.003, that funds the contract, in whole or in part,
 4 with state funds.

5 **SECTION 26.** ORS 285A.131 is amended to read:

6 285A.131. (1) There is established the International Trade Commission consisting of 15 members
 7 appointed by the Governor. In appointing members of the commission, the Governor shall appoint
 8 some members who represent businesses specializing in international trade and some who represent
 9 traded sector industries. The commission shall include:

- 10 (a) A member of the Oregon Economic and Community Development Commission;
- 11 (b) A member of the State Board of Agriculture;
- 12 (c) A member of the board of commissioners of the Port of Portland; and
- 13 (d) A representative of the Pacific Northwest International Trade Association.

14 (2) In addition to the members appointed by the Governor, the President of the Senate shall
 15 appoint one member of the Senate and the Speaker of the House of Representatives shall appoint
 16 one member of the House of Representatives to serve as nonvoting, ex officio members of the
 17 International Trade Commission.

18 (3) The members of the commission who are appointed by the Governor shall serve on the
 19 commission at the pleasure of the Governor.

20 (4) The members of the commission who are appointed by the Governor may receive payment for
 21 their actual and necessary travel and other expenses as provided in ORS 285A.060.

22 (5) The Economic and Community Development Department shall provide staff support for the
 23 International Trade Commission.

24 (6) The commission may appoint work groups and task forces as the commission considers ap-
 25 propriate to assist the commission in carrying out the duties of the commission under this section
 26 and ORS 285A.133. Work groups and task forces may include individuals who are not members of
 27 the commission.

28 (7) The *[Director of the Economic and Community Development Department, with the approval of*
 29 *the Governor,]* **Lieutenant Governor** shall *[appoint an]* **serve as** executive director of the Interna-
 30 tional Division of the Economic and Community Development Department *[from a list of candidates*
 31 *submitted by the International Trade Commission].*

32 **SECTION 27.** ORS 291.272 is amended to read:

33 291.272. As used in ORS 291.272 to 291.280, unless the context requires otherwise:

- 34 (1) “Administrative expenses” has the meaning defined by ORS 291.305.
- 35 (2) “Department” means the Oregon Department of Administrative Services.
- 36 (3) “Governmental service expenses” means the expenses of state government that are attribut-
 37 able to the operation, maintenance, administration and support of state government generally, and
 38 includes the following:

39 (a) Administrative expenses of the Oregon Department of Administrative Services supported out
 40 of the General Fund.

41 (b) Sixty percent of the expenditures of the Legislative Assembly out of moneys appropriated
 42 from the General Fund, and all of the expenditures incurred in the administration of the duties of
 43 the Emergency Board.

44 (c) Sixty percent of the expenditures incurred in the administration of the duties of the Joint
 45 Committee on Ways and Means and the Emergency Board.

1 (d) Sixty percent of the expenditures incurred out of moneys appropriated from the General
 2 Fund in the administration of the duties of the Legislative Counsel Committee.

3 (e) Expenditures of the Secretary of State in the administration of the office of the State
 4 Archivist, of historic properties programs, and of the administrative rules publication program.

5 (f) Seventy-five percent of the administrative expenses of the Office of the Governor incurred
 6 out of moneys appropriated from the General Fund.

7 **(g) Seventy-five percent of the administrative expenses of the Office of the Lieutenant**
 8 **Governor incurred out of moneys appropriated from the General Fund.**

9 (4) "State agency" means every state officer, board, commission, department, institution, branch
 10 or agency of the state government, whose costs are paid wholly or in part from funds held in the
 11 State Treasury, and includes the Legislative Assembly, the courts and their officers and committees.

12 **SECTION 28.** ORS 292.010 is amended to read:

13 292.010. **Except as provided in ORS 292.039,** the salaries of the Governor, **Lieutenant Gov-**
 14 **ernor,** Secretary of State, State Treasurer, Attorney General, judges of the Supreme and circuit
 15 courts, district attorneys, and all other state officers, and all persons employed by the state whose
 16 salary or compensation is payable by law out of the State Treasury, shall be paid monthly or on a
 17 biweekly basis.

18 **SECTION 29.** ORS 292.313 is amended to read:

19 292.313. The incumbents of each of the following offices shall be paid an annual salary on a
 20 monthly basis, as follows:

21 (1) Governor, \$93,600 for the year beginning July 1, 2001, and ending June 30, 2002, and for each
 22 year thereafter. The Governor shall also be paid \$1,000 per month regularly for expenses necessarily
 23 incurred but not otherwise provided for.

24 **(2) Lieutenant Governor, \$72,000, prorated for the portion of the year beginning July 1,**
 25 **2006, and ending June 30, 2007, that the Lieutenant Governor serves in office, and for each**
 26 **year thereafter. The Lieutenant Governor shall also be paid \$250 per month regularly for**
 27 **expenses necessarily incurred but not otherwise provided for.**

28 [(2)] (3) Secretary of State, \$72,000 for the year beginning July 1, 2001, and ending June 30, 2002,
 29 and for each year thereafter. The Secretary of State shall also be paid \$250 per month regularly for
 30 expenses necessarily incurred but not otherwise provided for.

31 [(3)] (4) State Treasurer, \$72,000 for the year beginning July 1, 2001, and ending June 30, 2002,
 32 and for each year thereafter. The State Treasurer shall also be paid \$250 per month regularly for
 33 expenses necessarily incurred but not otherwise provided for.

34 [(4)] (5) Attorney General, \$77,200 for the year beginning July 1, 2001, and ending June 30, 2002,
 35 and for each year thereafter. The Attorney General shall also be paid \$250 per month regularly for
 36 expenses necessarily incurred but not otherwise provided for.

37 [(5)] (6) Superintendent of Public Instruction, \$72,000 for the year beginning July 1, 2001, and
 38 ending June 30, 2002, and for each year thereafter. The superintendent shall also be paid \$250 per
 39 month regularly for expenses necessarily incurred but not otherwise provided for.

40 [(6)] (7) Commissioner of the Bureau of Labor and Industries, \$72,000 for the year beginning July
 41 1, 2001, and ending June 30, 2002, and for each year thereafter. The commissioner shall also be paid
 42 \$250 per month regularly for expenses necessarily incurred but not otherwise provided for.

43 **SECTION 30.** ORS 292.316 is amended to read:

44 292.316. All fees and commissions of any kind, name or nature collected by the Governor,
 45 **Lieutenant Governor,** Secretary of State, State Treasurer or Attorney General for any service

1 performed by the Governor, **Lieutenant Governor**, Secretary of State, State Treasurer or Attorney
 2 General by virtue of office or collected by the Governor, **Lieutenant Governor**, Secretary of State,
 3 State Treasurer or Attorney General by virtue of office, shall be paid into the State Treasury on
 4 or before the 10th day of the month following the collection thereof, accompanied by a statement
 5 designating the fund or account to which the payment is to be credited. Each of such officers shall,
 6 in the biennial report of the officer, set forth a statement of all moneys so collected and paid over
 7 to the State Treasury.

8 **SECTION 31.** ORS 292.430 is amended to read:

9 292.430. (1) In addition to the annual salaries set forth in ORS 171.072 and 292.313, the Oregon
 10 Department of Administrative Services may “pick-up,” assume and pay to the Public Employees Re-
 11 tirement Fund any employee contributions, otherwise required by ORS 238.200, for the Governor,
 12 **Lieutenant Governor**, Secretary of State, State Treasurer, Attorney General, Superintendent of
 13 Public Instruction, Commissioner of the Bureau of Labor and Industries and members of the Legis-
 14 lative Assembly.

15 (2) The department may provide health, dental, life and long-term disability insurance without
 16 cost to the officers referred to in subsection (1) of this section and to judges of the Supreme Court,
 17 Court of Appeals, Oregon Tax Court and circuit courts in such amounts as are provided from time
 18 to time to employees in the unclassified service of the state.

19 **SECTION 32.** ORS 292.930 is amended to read:

20 292.930. Each of the following elective officers shall be paid an annual salary on a monthly basis
 21 as determined by the Legislative Assembly each biennium [*beginning July 1, 1985*]:

22 (1) Governor.

23 **(2) Lieutenant Governor.**

24 [(2)] **(3)** Secretary of State.

25 [(3)] **(4)** State Treasurer.

26 [(4)] **(5)** Attorney General.

27 [(5)] **(6)** Superintendent of Public Instruction.

28 [(6)] **(7)** Commissioner of the Bureau of Labor and Industries.

29 [(7)] **(8)** Court of Appeals Judge.

30 [(8)] **(9)** Supreme Court Justice.

31 [(9)] **(10)** Circuit Court Judge.

32 [(10)] **(11)** Tax Court Judge.

33 **SECTION 33.** ORS 357.835 is amended to read:

34 357.835. (1) Except as otherwise provided by law, when the State Archivist has determined that
 35 public records are stored under conditions where they are no longer available for use or which are
 36 dangerous to the safety and protection of the records, or where no safe storage is available, all such
 37 public records or writings as the State Archivist may requisition as being of value or interest for
 38 the purposes mentioned in ORS 357.825 shall be transferred to the custody of the State Archivist.

39 (2) If a state agency is abolished or ceases to operate, its public records and writings shall be
 40 transferred to the custody of the State Archivist, except for records of functions transferred by law
 41 to other agencies and records needed for the liquidation of obligations or property of the agency.
 42 Records used in the liquidation of the agency shall be transferred to the State Archivist when the
 43 liquidation is completed.

44 (3) The Governor, **the Lieutenant Governor**, the Secretary of State and the State Treasurer
 45 shall deposit with the State Archivist for safekeeping in the custody of the State Archivist records

1 of their offices that are used for historical rather than current administrative purposes.

2 **SECTION 34.** ORS 401.055 is amended to read:

3 401.055. (1) The Governor may declare a state of emergency by proclamation at the request of
4 a county governing body or after determining that an emergency has occurred or is imminent.

5 (2) All requests by a county governing body that the Governor declare an emergency shall be
6 sent to the Office of Emergency Management. Cities must submit requests through the governing
7 body of the county in which the majority of the city's property is located. Requests from counties
8 shall be in writing and include the following:

9 (a) A certification signed by the county governing body that all local resources have been ex-
10 pended; and

11 (b) A preliminary assessment of property damage or loss, injuries and deaths.

12 (3)(a) If, in the judgment of the Superintendent of State Police, the Governor cannot be reached
13 by available communications facilities in time to respond appropriately to an emergency, the super-
14 intendent shall notify the [*Secretary of State*] **Lieutenant Governor** or, if the [*Secretary of State*]
15 **Lieutenant Governor** is not available, the [*State Treasurer*] **Secretary of State** that the Governor
16 is not available.

17 (b) After notice from the superintendent that the Governor is not available, the elected state
18 official so notified may declare a state of emergency pursuant to the provisions of subsections (1)
19 and (2) of this section.

20 (c) If the Superintendent of State Police is unavailable to carry out the duties described in this
21 subsection, such duties shall be performed by the Director of the Office of Emergency Management.

22 (4) Any state of emergency declared by the **Lieutenant Governor** or Secretary of State [*or*
23 *State Treasurer*] pursuant to this section has the same force and effect as if issued by the Governor,
24 except that it must be affirmed by the Governor as soon as the Governor is reached. However, if
25 the Governor does not set aside the proclamation within 24 hours of being reached, the proclamation
26 shall be considered affirmed by the Governor.

27 (5) Any proclamation of a state of emergency must specify the geographical area covered by the
28 proclamation. Such area shall be no larger than necessary to effectively respond to the emergency.

29 **SECTION 35.** ORS 461.180 is amended to read:

30 461.180. (1) The Director of the Oregon State Lottery shall make an ongoing study of the oper-
31 ation and the administration of the lotteries which may be in operation in other states or countries,
32 of available literature on the subject, of federal laws which may affect the operation of the Oregon
33 State Lottery and of the reaction of citizens of the state to existing or proposed features in lottery
34 games, with a view toward recommending improvements that will tend to serve the purposes of this
35 chapter. The director may make recommendations to the commission, Governor and Legislative
36 Assembly on any matters concerning the secure and efficient operation and administration of the
37 state lottery and the convenience of the purchasers of tickets and shares.

38 (2) The director shall make and keep books and records which accurately and fairly reflect each
39 day's transactions, including but not limited to, the distribution of tickets or shares to lottery game
40 retailers, receipt of funds, prize claims, prize disbursements or prizes liable to be paid, expenses and
41 all other financial transactions involving state lottery funds necessary so as to permit preparation
42 of financial statements in conformity with generally accepted accounting principles and to maintain
43 daily accountability.

44 (3) The director shall make a monthly financial report to the commission, and upon request
45 provide copies of such reports to the Governor, **the Lieutenant Governor**, the Attorney General,

1 the Secretary of State, the State Treasurer and the Legislative Assembly. Such report shall include
2 a full and complete statement of state lottery revenues, prize disbursements, expenses, net revenues
3 and all other financial transactions involving state lottery funds for the month.

4 (4) After the first six months of sales of tickets or shares to the public, the director shall engage
5 an independent firm experienced in demographic analysis to conduct a special study which shall
6 ascertain the demographic characteristics of the players of each lottery game, including but not
7 limited to their income, age, sex, education and frequency of participation. This report shall be
8 presented to the commission, the Governor, **the Lieutenant Governor**, the Attorney General, the
9 Secretary of State, the State Treasurer and the Legislative Assembly. Similar studies shall be con-
10 ducted after the first such study from time to time as determined by the director.

11 (5) After the first full year of sales of tickets or shares to the public, the director shall engage
12 an independent firm experienced in the analysis of advertising, promotion, public relations, incen-
13 tives, public disclosures of odds and numbers of winners in lottery games and other aspects of
14 communications to conduct a special study of the effectiveness of such communications activities
15 by the state lottery and make recommendations to the commission on the future conduct and future
16 rate of expenditure for such activities. This report shall be presented to the commission, the Gov-
17 ernor, **the Lieutenant Governor**, the Attorney General, the Secretary of State, the State Treasurer
18 and the Legislative Assembly. Until the presentation of such report and action by the commission,
19 the state lottery shall expend as close to three and one-half percent as practical of the projected
20 sales of all tickets and shares for advertising, promotion, public relations, incentives, public disclo-
21 sures of odds and numbers of winners in lottery games and other aspects of communications. Similar
22 studies shall be conducted from time to time after the first such study as determined by the director.

23 (6) After the first nine months of sales of tickets or shares to the public, the commission shall
24 engage an independent firm experienced in security procedures, including but not limited to com-
25 puter security and systems security, to conduct a comprehensive study and evaluation of all aspects
26 of security in the operation of the state lottery. Such study shall include, but not be limited to,
27 personnel security, lottery game retailer security, lottery contractor security, security of manufac-
28 turing operations of lottery contractors, security against ticket counterfeiting and alteration and
29 other means of fraudulently winning, security of drawings among entries or finalists, computer se-
30 curity, data communications security, database security, security in distribution, security involving
31 validation and payment procedures, security involving unclaimed prizes, security aspects applicable
32 to each particular lottery game, security of drawings in lottery games where winners are determined
33 by drawings of numbers, the completeness of security against locating winners in lottery games with
34 preprinted winners by persons involved in their production, storage, distribution or sale and any
35 other aspects of security applicable to any particular lottery game and to the state lottery and its
36 operations. The portion of the report containing the overall evaluation of the state lottery in terms
37 of each aspect of security shall be presented to the commission, the Governor, **the Lieutenant**
38 **Governor**, the Attorney General, the Secretary of State, the State Treasurer and the Legislative
39 Assembly. Notwithstanding other provisions of state law, the portion of the report containing spe-
40 cific recommendations shall be confidential and shall be presented only to the commission, the
41 Governor and the director. Similar studies of security shall be conducted biennially thereafter.

42 (7) The director may delegate to any of the employees of the Oregon State Lottery the exercise
43 or discharge in the director's name of any power, duty or function of whatever character, vested in
44 or imposed by law upon the director. The official act of any such person so acting in the director's
45 name and by the authority of the director shall be considered to be an official act of the director.

SECTION 36. ORS 805.220 is amended to read:

805.220. (1) Upon application by an elected official who qualifies under this section, the Department of Transportation shall issue registration plates described under this section to the official for use on the motor vehicle of the person. Registration plates issued under this section may be displayed on the vehicle of the person in lieu of regular registration plates issued under the vehicle code.

(2) The following apply to registration plates issued under this section:

(a) The plates shall be considered customized plates for purposes of the fee in ORS 805.250.

(b) The plates shall be assigned to a specific vehicle.

(c) The plates shall be issued in addition to regular registration plates issued for a vehicle at the option of the applicant.

(d) The plates shall not be transferable from vehicle to vehicle except as provided by the department by rule.

(e) The plates shall be valid for the term of office of the qualifying official. If the person is elected to a subsequent term of office, the department may provide for validation of the plate for the subsequent term by means of a sticker or by any other means the department determines convenient.

(f) The person to whom the plates are issued may retain the plates after the person's term of office, but the plates shall not be valid if displayed on any vehicle while the person is not holding the office for which the plates were issued.

(3) Only the following elected officials qualify for issuance of registration plates under this section:

(a) The Lieutenant Governor.

[(a)] **(b) The Secretary of State.**

[(b)] **(c) The State Treasurer.**

[(c)] **(d) Members of the Oregon Legislative Assembly.**

[(d)] **(e) Members of the Oregon Congressional Delegation.**

(4) Nothing in this section applies to or affects the authority of the department to issue distinctive registration plates on vehicles owned by this state that are provided for use of the Governor.

(5) The department shall adopt rules necessary to carry out the purposes of this section.

SECTION 37. ORS 260.076 is amended to read:

260.076. (1) A legislative official, statewide official or candidate therefor, or the official's or candidate's principal campaign committee, shall file statements showing contributions received by or on behalf of the official, candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

(2) The Governor, Governor-elect or a candidate for Governor, **the Lieutenant Governor, Lieutenant Governor-elect or a candidate for Lieutenant Governor** or the principal campaign committee of the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or candidate, shall file statements showing contributions received by or on behalf of the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** candidate or committee during the period beginning January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending 30 business days following adjournment of the regular biennial session of the Legislative Assembly, or during any special session of the Legislative Assembly.

1 (3) A person or political committee affiliated with a political party, caucus of either house of the
 2 Legislative Assembly, legislative official, statewide official, [or] the Governor, Governor-elect,
 3 **Lieutenant Governor, Lieutenant Governor-elect** or candidate for Governor **or Lieutenant**
 4 **Governor** shall file statements showing contributions received by the person or committee on behalf
 5 of a legislative official, statewide official or candidate therefor, during the period beginning January
 6 1 immediately preceding a regular biennial session of the Legislative Assembly and ending upon
 7 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
 8 sion of the Legislative Assembly.

9 (4) A person or political committee affiliated with a political party, caucus of either house of the
 10 Legislative Assembly, legislative official, statewide official, [or] the Governor, Governor-elect,
 11 **Lieutenant Governor, Lieutenant Governor-elect** or candidate for Governor **or Lieutenant**
 12 **Governor** shall file statements showing contributions received by the person or committee on behalf
 13 of the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or candidate
 14 for Governor **or Lieutenant Governor**, during the period beginning January 1 immediately pre-
 15 ceding a regular biennial session of the Legislative Assembly and ending 30 business days following
 16 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
 17 sion of the Legislative Assembly.

18 (5) A statement described in subsections (1) to (4) of this section shall be filed not later than two
 19 business days after the date a contribution is received. A statement shall be filed on a form pre-
 20 scribed by the Secretary of State.

21 (6) If a statement has been filed under subsections (1) to (4) of this section, the next statement
 22 filed by the Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect**, official,
 23 candidate, principal campaign committee or other political committee under ORS 260.058, 260.063,
 24 260.068 or 260.073 shall include the contributions reported in statements filed under this section.

25 (7) This section applies notwithstanding the filing of a certificate under ORS 260.112.

26 (8) As used in this section:

27 (a) "Legislative official" means any member or member-elect of the Legislative Assembly.

28 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer
 29 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-
 30 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor
 31 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

32 **SECTION 38.** ORS 260.174 is amended to read:

33 260.174. (1) No legislative official, statewide official or candidate therefor shall attempt to re-
 34 ceive or to solicit or receive or solicit a contribution to the official or candidate or the official's or
 35 candidate's principal campaign committee or attempt to solicit or solicit an expenditure in support
 36 of the official or candidate from any person or political committee during the period beginning
 37 January 1 immediately preceding a regular biennial session of the Legislative Assembly and ending
 38 upon adjournment of the regular biennial session of the Legislative Assembly, or during any special
 39 session of the Legislative Assembly.

40 (2) The Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or a
 41 candidate for Governor **or Lieutenant Governor** shall not attempt to receive or to solicit or re-
 42 ceive or solicit a contribution to the Governor, **Lieutenant Governor** or candidate for Governor
 43 **or Lieutenant Governor** or the Governor's, **Lieutenant Governor's** or candidate's principal cam-
 44 paign committee or attempt to solicit or solicit an expenditure in support of the Governor, **Lieu-**
 45 **tenant Governor** or candidate for Governor **or Lieutenant Governor** from any person or political

1 committee during the period beginning January 1 immediately preceding a regular biennial session
 2 of the Legislative Assembly and ending 30 business days following adjournment of the regular
 3 biennial session of the Legislative Assembly, or during any special session of the Legislative As-
 4 sembly.

5 (3) No person or political committee during the period beginning January 1 immediately pre-
 6 ceding a regular biennial session of the Legislative Assembly and ending upon adjournment of the
 7 regular biennial session of the Legislative Assembly, or during any special session of the Legislative
 8 Assembly, shall attempt to make or promise to make or make or promise to make a contribution to
 9 a legislative official, statewide official or candidate therefor or to the official's or candidate's prin-
 10 cipal campaign committee, or promise to make an expenditure in support of the official or candidate.

11 (4) No person or political committee during the period beginning January 1 immediately pre-
 12 ceding a regular biennial session of the Legislative Assembly and ending 30 business days following
 13 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
 14 sion of the Legislative Assembly, shall attempt to make or promise to make or make or promise to
 15 make a contribution to the Governor, Governor-elect, **Lieutenant Governor, Lieutenant**
 16 **Governor-elect** or candidate for Governor **or Lieutenant Governor**, or to the Governor's, **Lieu-**
 17 **tenant Governor's** or candidate's principal campaign committee, or promise to make an expenditure
 18 in support of the Governor, **Lieutenant Governor** or candidate for Governor **or Lieutenant Gov-**
 19 **ernor**.

20 (5) No person or political committee affiliated with a political party, caucus of either house of
 21 the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect,
 22 **Lieutenant Governor, Lieutenant Governor-elect** or candidate for Governor **or Lieutenant**
 23 **Governor** shall attempt to receive or solicit or receive or solicit a contribution on behalf of a leg-
 24 islative official, statewide official or candidate therefor during the period beginning January 1 im-
 25 mediately preceding a regular biennial session of the Legislative Assembly and ending upon
 26 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
 27 sion of the Legislative Assembly.

28 (6) No person or political committee affiliated with a political party, caucus of either house of
 29 the Legislative Assembly, legislative official, statewide official or the Governor, Governor-elect,
 30 **Lieutenant Governor, Lieutenant Governor-elect** or candidate for Governor **or Lieutenant**
 31 **Governor** shall attempt to receive or solicit or receive or solicit a contribution on behalf of the
 32 Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or candidate for
 33 Governor **or Lieutenant Governor** during the period beginning January 1 immediately preceding
 34 a regular biennial session of the Legislative Assembly and ending 30 business days following
 35 adjournment of the regular biennial session of the Legislative Assembly, or during any special ses-
 36 sion of the Legislative Assembly.

37 (7) Nothing in this section shall prohibit:

38 (a) A legislative official, statewide official or candidate therefor from making a contribution as
 39 an individual from the individual's personal funds to the same official, candidate or the candidate's
 40 principal campaign committee; or

41 (b) The Governor, Governor-elect, **Lieutenant Governor, Lieutenant Governor-elect** or a
 42 candidate for Governor **or Lieutenant Governor** from making a contribution as an individual from
 43 the individual's personal funds to the same individual as Governor, Governor-elect, **Lieutenant**
 44 **Governor, Lieutenant Governor-elect**, a candidate for Governor **or Lieutenant Governor** or the
 45 candidate's principal campaign committee.

1 (8) As used in this section:

2 (a) "Legislative official" means any member or member-elect of the Legislative Assembly, any
3 member of an agency, board or committee that is part of the legislative branch and any staff person,
4 assistant or employee thereof.

5 (b) "Statewide official" means the Secretary of State or Secretary of State-elect, State Treasurer
6 or State Treasurer-elect, Superintendent of Public Instruction or Superintendent-elect of Public In-
7 struction, Attorney General or Attorney General-elect and the Commissioner of the Bureau of Labor
8 and Industries or the Commissioner-elect of the Bureau of Labor and Industries.

9 **SECTION 39.** ORS 285A.133 is amended to read:

10 285A.133. The International Trade Commission shall:

11 (1) Act as an advocate for international trade with Oregon and promote the state's international
12 trade agenda.

13 (2) Serve as a body to advise governmental bodies, agencies and private persons on the devel-
14 opment and implementation of state policies and programs relating to international trade, coordi-
15 nated with agricultural trade of the State Department of Agriculture, and assist, through the
16 International Division of the Economic and Community Development Department, in the coordi-
17 nation of those activities.

18 (3) Set policy for and monitor programs relating to and expanding international trade for the
19 International Division of the Economic and Community Development Department.

20 (4) Recommend changes in state policies and programs relating to international trade to the
21 [*Director of the Economic and Community Development Department*] **Lieutenant Governor** and the
22 Oregon Economic and Community Development Commission.

23 **SECTION 40.** **This 2005 Act does not take effect unless the amendment to the Oregon**
24 **Constitution proposed by Enrolled House Joint Resolution 7 (2005) is approved by the people**
25 **at a special election held throughout this state on the date specified in section 2, chapter**
26 **_____, Oregon Laws 2005 (Enrolled House Bill 2347). This 2005 Act takes effect on the ef-**
27 **fective date of that constitutional amendment.**