



Oregon Senate Fact-Finding Mission Application & Approval Form

This application will be used to review and officially approve fact-finding missions allowed under ORS 244.020(7)(b)(H)(i) and required to be reported under ORS 244.060(6) if the expense per member is estimated to exceed \$50. This application must be submitted to the Secretary of the Senate no later than 14 days before the start of the fact-finding mission unless, as determined by the secretary, good cause exists for submitting the application after the deadline. To promote transparency, all approved applications and accompanying materials will be posted on the Secretary of the Senate's website.

Description of mission: Tour Idaho Power Hells Canyon dams

Issue(s) or legislation related to mission: n/a

Location of mission: Oxbow, OR

Date(s) of mission: Oct 3-4 and tent. Sep 26-27 (separate groups)

Person/entity paying expenses: Idaho Power Company

Address of person/entity paying expenses: 1221 W Idaho Street, Boise ID 83902

Invited members (select one):

- All senators The following senators: Staff of Senator Courtney, Anna Brown
- All senators on the Committee(s)/Task Force(s) on: _____

Staff invited: Yes No Relatives/household members invited: Yes No

Activities will be limited to a factual investigation or other educational purposes: Agree.

The mission is not being conducted for campaign or partisan political purposes: Agree.

Please include the following required attachments with this application:

1. Written opinion from the Oregon Government Ethics Commission concluding that the event is a permitted fact-finding mission under ORS 244.020(7)(b)(H)(i) and the rules of the commission.
2. Written itinerary or agenda for all scheduled meetings, events, presenters, meals, travel, lodging, or other activities planned during the mission.

Within thirty (30) days after completion of the mission, please submit the following required documents to the Secretary of the Senate, which will be posted on the secretary's website:

1. An attendance sheet listing all senators, staff, relatives, household members, lobbyists, and all others who participated in the mission.
2. The aggregate value of food, travel, and lodging expenses provided to each senator, staff member, relative, and household member of the senator. The aggregate value of expenses for each person shall be determined in the same manner as required by the Oregon Government Ethics Commission for disclosure on a Statement of Economic Interest under ORS 244.060(6).
3. Written confirmation that the mission was conducted substantially according to the itinerary or agenda submitted with the application and, if the mission varied materially from the submitted itinerary or agenda, a written account describing the material variations (i.e., any additional meetings, events, presenters, meals, travel, lodging).

Failure to submit this information within thirty (30) days after completion of the mission will result in an automatic denial of all future applications submitted by the applicant signing below and the person or entity listed above as paying expenses.

By signing below, I hereby declare that all information submitted at any time by me, or on my behalf, to the Oregon Senate in connection with this application and fact-finding mission is correct to the best of my knowledge and belief.

Signature of applicant: [Signature] Date: 7-23-19

Name of applicant (print) Jennifer Visser

Address: 1221 W Idaho Street, Boise, ID 83702

Telephone number: (208) 761-5771

E-mail address: jvisser@idahopower.com

All information above is required for the application to be considered.

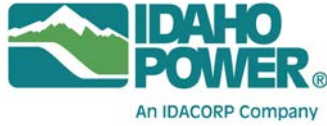
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Based on the written conclusion of the Oregon Government Ethics Commission and the information submitted by the applicant, under ORS 244.020(7)(b)(H)(i) this fact-finding mission is hereby:

Officially Sanctioned Denied

[Signature]
Secretary of the Senate

7/24/19
Date



Tour of Hells Canyon Complex

Dates TBD



Itinerary (MST)	
Day One	
8:30am	Depart Jackson Air Service in Boise
9am	Arrive Oxbow Airstrip
9:30am	Drop gear at Guest House
10:00am	Tour Brownlee Power Plant
11:45am	Drive by Oxbow Power Plan and Dam
12pm	Lunch at Oxbow Mess Hall
2:30pm	Tour Hells Canyon Power Plant and Fish Facilities
3:30pm	Hells Canyon Visitors Center
5pm	Arrive at Guest House for Dinner
Day Two	
6:30am	Breakfast at Mess Hall
7:45am	Depart Oxbow for Boise
8:15am	Return to Jackson Air Service in Boise

Good Afternoon Jordan~

Thank you for contacting the Oregon Government Ethics Commission (OGEC) and requesting guidance regarding a public official's acceptance of food, travel and lodging expenses to attend a planned event, i.e. Idaho Power's Hells Canyon Complex Educational Tour.

This analysis and advice is being offered under the authority provided in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

In your request you state that Idaho Power is hoping to invite Legislators to attend an educational tour of the Hells Canyon hydroelectric energy facility in Eastern Oregon in the Fall of 2019. As part of the event, and given the remote location to be toured as well as the amount of time required to tour the facilities, Idaho Power will provide Legislators with air transit to a private landing strip, an overnight stay in company accommodations and meals at the company mess hall.

Under most circumstances when a public official is offered food and beverage at no cost to the public official, it would be a gift as defined in Oregon Revised Statute (ORS) 244.020(7)(a). However, the ORS identifies occasions wherein public officials may accept paid expenses for food, travel and lodging under specific circumstances set forth in ORS 244.020(7)(b).

The exception relevant to your inquiry is described in ORS 244.020(7)(b)(H) as follows: ORS 244.020(7)(b)(H) "Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117:

- (i) On an officially sanctioned trade-promotion or fact-finding mission.
- (ii) In officially designated negotiations, or economic development activities, where receipt of the expenses approved in advance.

While public officials may accept these paid expenses, ORS 244.020(7)(b)(H) requires that they do so as representatives of state government. ORS 244.020(7)(b)(H) also requires that the event be a "fact-finding mission or trade promotion" and be "officially sanctioned" **before** they can accept the offer of reasonable expenses for food, travel or lodging.

The Oregon Government Ethics Commission (OGEC) defines "fact-finding mission" and "officially sanctioned" within Oregon Administrative Rules (OAR) – Chapter 199. Those definitions are provided in OAR 199-005-0001(2); "fact-finding mission or trip" and OAR 199-005-0020(3)(b) "officially sanctioned or officially designated" as follows:

"A 'fact-finding mission or trip' is any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid or sharing best practices, or developing intergovernmental relationships directly related to the public official's duties. The sponsor of a fact finding mission should be directly and immediately associated with the event or location being visited." [OAR 199-005-0001(2)]

"Officially sanctioned or officially designated" means written approval by a state or local public body or by a person authorized by the public body to provide that approval. When the activity is

officially designated a negotiations or economic activity, the written notice will include approval for the public official to accept the payment of reasonable expenses. Unless the public body determines otherwise, the written notice form the following is sufficient to constitute an officially sanctioned or officially designated activity under ORS 244.020(7)(b)(H) [OAR 199-005-0020(3)(b)].

A member of the legislative assembly must have their trip sanctioned by:

(C) The President of the Senate, Speaker of the House, the designated majority or minority leaders of either chamber or appointed committees of the Legislative Assembly for any elected member. [OAR 199-005-0020(3)(b)(C)]

Based on the information you provided, it appears that the Legislators' attendance at the Idaho Power's Hells Canyon Complex Educational Tour would fall under the exception of ORS 244.020(7)(b)(H) and they could accept the food, travel and lodging that will be offered during the event. In addition, these paid expenses may also be offered to and accepted by a relative, member of household and staff members who accompany the Legislators on the trip.

Legislative officials are required by ORS 244.050 to file with the Commission an Annual Verified Statement of Economic Interest. ORS 244.060(6) requires the identification of all expenses, with an aggregate value exceeding \$50, received when participating in an event described in ORS 244.020(7)(b)(H). Therefore, based on the information provided, Legislators can accept reasonable food, travel or lodging expenses paid by Idaho Power for their participation in the event and would be required to identify those expenses on their Annual Verified Statements of Economic Interest.

Again, thank you for reaching out to us with your inquiry. It is very much appreciated. Feel free to contact me should you have questions or need additional information.

Sincerely,

Monica J. Walker

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Disclaimer

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.