

Senate Bill 659

Sponsored by Senator BOQUIST

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**.

Requires Oregon Government Ethics Commission to issue commission advisory opinion in response to written request relating to events that have already occurred.

A BILL FOR AN ACT

1
2 Relating to Oregon Government Ethics Commission advisory opinions; creating new provisions; and
3 amending ORS 244.280.

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

5 **SECTION 1.** ORS 244.280 is amended to read:

6 244.280. (1)(a) Upon the written request of any person, or upon its own motion, the Oregon
7 Government Ethics Commission, under signature of the chairperson, may issue and publish written
8 commission advisory opinions on the application of any provision of this chapter to any:

9 (A) Proposed transaction or action; *[or]*

10 (B) *[Any]* Actual or hypothetical circumstance; **or**

11 (C) **Actual event that has already occurred at the time the request is received.**

12 (b) **When applying a provision of this chapter to a written request described in paragraph**
13 **(a)(C) of this subsection, the commission shall treat the facts presented in the written re-**
14 **quest as a hypothetical circumstance. The issuance of a commission advisory opinion in re-**
15 **sponse to a written request described in paragraph (a)(C) of this subsection is not**
16 **determinative of how the commission would resolve a complaint filed under ORS 244.260 re-**
17 **lating to the actual event that has already occurred.**

18 (c) A commission advisory opinion, and a decision by the commission to issue an advisory
19 opinion on its own motion, must be approved by a majority of the members of the commission. Legal
20 counsel to the commission shall review a proposed commission advisory opinion before the opinion
21 is considered by the commission.

22 (2) Not later than 60 days after the date the commission receives the written request for a
23 commission advisory opinion, the commission shall issue either the opinion or a written denial of the
24 request. The written denial shall explain the reasons for the denial, **but may not be based on a**
25 **determination that the events described in the written request have already occurred.** The
26 commission may ask the person requesting the advisory opinion to supply additional information the
27 commission considers necessary to render the opinion. The commission, by vote of a majority of the
28 members of the commission, may extend the 60-day deadline by one period not to exceed 60 days.

29 (3) Except as provided in this subsection, unless the commission advisory opinion is revised or
30 revoked, the commission may not impose a penalty under ORS 244.350 or 244.360 on a person for
31 any good faith action the person takes in reliance on an advisory opinion issued under this section.

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 commission may impose a penalty under ORS 244.350 or 244.360 on the person who requested
2 the advisory opinion if the commission determines that the person omitted or misstated material
3 facts in making the request.

4 **SECTION 2. The amendments to ORS 244.280 by section 1 of this 2019 Act apply to re-**
5 **quests for advisory opinions that are made on or after the effective date of this 2019 Act.**

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