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Oregon Government Standards and Practices Commission Administrative Overview August 2000

Introduction

The Oregon Government Standards and Practices Commission (GSPC), is a seven-member citizen commission charged with enforcing Oregon's government standards and practices (ethics) laws. Government standards and practices laws prohibit public officials from using their office or employment status for personal financial gain. The GSPC also enforces lobbying laws and some provisions of the Oregon public meeting law. The scope of the Commission extends from the volunteer board members of the smallest water district in Oregon, to members of the Legislative Assembly, as well as to all state and local government employees.

History

In the wake of the federal Watergate scandal of the early 1970's, citizens became increasingly wary about public officials and their actions. In response to the misuse of power on the national scale, states began creating laws designed to reveal more of the practices and standards of their governments. Oregon was one of the first states to enact legislation addressing this issue.

During a 1974 special session of the Legislative Assembly, the idea of a state ethics commission was first outlined. House Bill 3304 was introduced which effectively transferred the responsibilities of monitoring elector ethics from the Secretary of State's office to a proposed ethics commission. In order to form the ethics commission, a ballot measure had to be passed by the voters of Oregon. In November 1974, Ballot Measure 14 was approved by over seventy percent of the voters and the Ethics Commission was formed. The new commission was to oversee the financial disclosure by certain public officials and to address conflicts of interest by public officials. Public officials are defined in statute (ORS 244.202 (15) as: "...any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body of the state as an officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services."

The Oregon law (Oregon Revised Statute, Chapter 244) was not designed to prevent the occurrence of conflicts of interest but mandated that such circumstances must be disclosed for the benefit of government and the public at large. The drafters of the 1974 law recognized that

conflicts of interest are inevitable in governments that rely upon citizen lawmakers, most of whom draw their income from outside employment and interests.

During the 1975 legislative session, the Ethics Commission introduced legislation addressing the economic conflicts of interest of Oregon's government officials. The law (1975 Oregon Law, Chapter 543) stipulates that annual reports have to be filed with the Ethics Commission concerning the money and gifts received by elected or appointed officials and candidates for office in Oregon. If a prospective candidate or an elected official fails to file such a report, that individual is "banned from beginning or continuing to exercise his official duty until such time as the public official complies with the requirements (of the law)."

During the 1980's there were two measures aimed at informing and educating public officials about ethics complaints. In 1983 the first Ethics Guide for Public Officials was published as an effort to better instruct public officials on what situations require disclosure under Oregon law. 1989 brought a redefinition of the process the Commission was to use in investigating allegations. The Legislative Assembly enacted changes (1989 Oregon Law, Chapter 807) that provided for formal notification to the parties being investigated as well as the impartial, objective manner that investigations were to be conducted.

In 1991, the Legislative Assembly passed three laws that affected the Ethics Commission. First, Oregon Law, Chapter 272 clarified and outlined how investigations by the Commission were to be conducted. Next, Oregon Law, Chapter 552 stipulated that the Commission update the ethics guide at least once every four years. Lastly, Oregon Law, Chapter 770, amended ORS 244.260 and revised the procedure for appointing Commission members.

In 1993 the Legislative Assembly changed the name of the agency to the Oregon Government Standards and Practices Commission (Oregon Law, Chapter 743).

From 1994 - 1998, the Commission operated under its mandate and investigated complaints. In 1999, the Legislative Assembly made modifications to the types of cases that could be brought before the Commission. Actions that were protected by Article IV, Section 9 of the Oregon Constitution were to be dismissed or have the motions regarding them dismissed by the Commission. Section 9, Article IV states "Nor shall a member for words uttered in debate in either house, be questioned in any other place". Accordingly, the Commission cannot take action against legislators for failing to disclose conflicts of interest.

Organization

The Government Standards and Practices Commission is comprised of seven members that are appointed by the Governor and approved by the Oregon Senate. Four of the members are recommended by the leadership of the Democratic and Republican parties in each house of the Legislative Assembly. The remaining three members are appointed by the Governor without leadership recommendation. Terms of office are four years.

The Oregon Government Standards and Practices Commission appoints an executive director to serve at the pleasure of the commission. The executive director is responsible for the administrative operations of the commission and performs other duties as requested by the Commission. The executive director does not have the power to make regulations or issue advisory opinions.

The Commission office is currently comprised of three support staff and an Executive Officer that support the Commission and Commissioners. Two investigators have limited powers, as defined in statute, but are able to subpoena individuals and records for use in Commission investigations.

Oregon Laws

Oregon Revised Statute

ORS 171 Lobby regulation

ORS 192 Public Meetings Law

ORS 244 Commission establishment, Standards and Practices

Oregon Administrative Rule

OAR 199

Bibliography

1999 Oregon Blue Book online (www.arcweb.sos.or.us)

Citizens for Florence's Future website (www.winfinity.com/cff)

'Oregon Government Standards and Practices Laws - A Guide for Public Officials', December 1993, Oregon Government Standards and Practices Commission

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