

Senate Bill 539

Sponsored by Senator GIROD; Senator FINDLEY (Pre-session filed.)

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**.

Modifies statutory requirements for members of Legislative Assembly to ensure that members comply with Senate or House rules governing conflicts of interest.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to conflicts of interest; creating new provisions; amending ORS 244.120; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 244.120 is amended to read:

6 244.120. (1) Except as provided in subsection (2) of this section, when met with an actual or
7 potential conflict of interest, a public official shall:

8 (a) If the public official is a member of the Legislative Assembly, [*announce publicly, pursuant*
9 *to*] **comply with the** rules of the house of which the public official is a member[, *the nature of the*
10 *conflict before taking any action thereon in the capacity of a public official*].

11 (b) If the public official is a judge, remove the judge from the case giving rise to the conflict
12 or advise the parties of the nature of the conflict.

13 (c) If the public official is any other appointed official subject to this chapter, notify in writing
14 the person who appointed the public official to office of the nature of the conflict, and request that
15 the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the re-
16 quest, the appointing authority shall designate within a reasonable time an alternate to dispose of
17 the matter, or shall direct the official to dispose of the matter in a manner specified by the ap-
18 pointing authority.

19 (2) An elected public official, other than a member of the Legislative Assembly, or an appointed
20 public official serving on a board or commission, shall:

21 (a) When met with a potential conflict of interest, announce publicly the nature of the potential
22 conflict prior to taking any action thereon in the capacity of a public official; or

23 (b) When met with an actual conflict of interest, announce publicly the nature of the actual
24 conflict and:

25 (A) Except as provided in subparagraph (B) of this paragraph, refrain from participating as a
26 public official in any discussion or debate on the issue out of which the actual conflict arises or from
27 voting on the issue.

28 (B) If any public official's vote is necessary to meet a requirement of a minimum number of votes
29 to take official action, be eligible to vote, but not to participate as a public official in any discussion
30 or debate on the issue out of which the actual conflict arises.

31 (3) Nothing in subsection (1) or (2) of this section requires any public official to announce a

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 conflict of interest more than once on the occasion which the matter out of which the conflict arises
2 is discussed or debated.

3 (4) Nothing in this section authorizes a public official to vote if the official is otherwise pro-
4 hibited from doing so.

5 **SECTION 2. The amendments to ORS 244.120 by section 1 of this 2021 Act apply to actual**
6 **or potential conflicts of interest that arise on or after the effective date of this 2021 Act.**

7 **SECTION 3. This 2021 Act being necessary for the immediate preservation of the public**
8 **peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect**
9 **on its passage.**

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