

House Bill 2034

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Rules for Representative Julie Fahey)

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**.

Prohibits members of Legislative Assembly from participating in discussion or debate if actual conflict of interest exists.

Prohibits members from voting on issue when actual conflict of interest exists unless vote is necessary to establish quorum.

A BILL FOR AN ACT

Relating to conflicts of interest; creating new provisions; and amending ORS 244.120.

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

SECTION 1. ORS 244.120 is amended to read:

244.120. (1) Except as provided in subsection (2) **or (3)** of this section, when met with an actual or potential conflict of interest, a public official shall:

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

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

[(c)] **(b)** If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

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

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

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

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

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

(3)(a) A member of the Legislative Assembly, when met with a potential conflict of in-

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 **terest, shall announce publicly, pursuant to rules of the house of which the public official is**
2 **a member, the nature of the conflict before taking any action thereon in the capacity of a**
3 **public official.**

4 **(b) A member of the Legislative Assembly, when met with an actual conflict of interest,**
5 **shall announce publicly, pursuant to rules of the house of which the public official is a**
6 **member, the nature of the conflict and:**

7 **(A) Except as provided in subparagraph (B) of this paragraph, refrain from participating**
8 **as a member of the Legislative Assembly in any discussion or debate on the issue out of**
9 **which the actual conflict arises or from voting on the issue.**

10 **(B) If the vote of the member of the Legislative Assembly is necessary to meet a re-**
11 **quirement of a minimum number of votes to take official action, be eligible to vote, but not**
12 **to participate as a member of the Legislative Assembly in any discussion or debate on the**
13 **issue out of which the actual conflict arises.**

14 **[(3)] (4) Nothing in [subsection (1) or (2)] subsections (1) to (3) of this section requires any**
15 **public official to announce a conflict of interest more than once on the occasion which the matter**
16 **out of which the conflict arises is discussed or debated.**

17 **[(4)] (5) Nothing in this section authorizes a public official to vote if the official is otherwise**
18 **prohibited from doing so.**

19 **SECTION 2. The amendments to ORS 244.120 by section 1 of this 2023 Act apply to actual**
20 **or potential conflicts of interest that arise on or after the effective date of this 2023 Act.**

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