

D R A F T

SUMMARY

Digest: The Act lets local officials act on certain budgets after saying they have a conflict. (Flesch Readability Score: 61.8).

Permits local public officials to participate in discussion and debate and to vote on the adoption of a local budget that includes compensation for the public official or a relative of the public official after announcing an actual conflict of interest.

A BILL FOR AN ACT

1
2 Relating to the adoption of local budgets; amending ORS 244.120.

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

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

5 244.120. (1) Except as provided in subsection (2) of this section, when met
6 with an actual or potential conflict of interest, a public official shall:

7 (a) If the public official is a member of the Legislative Assembly, an-
8 nounce publicly, pursuant to rules of the house of which the public official
9 is a member, the nature of the conflict before taking any action thereon in
10 the capacity of a public official.

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

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

1 matter in a manner specified by the appointing authority.

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

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

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

10 (A) Except as provided in subparagraph (B) **or (C)** of this paragraph, re-
11 frain from participating as a public official in any discussion or debate on
12 the issue out of which the actual conflict arises or from voting on the issue.

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

17 **(C) If the official action is the adoption of a local budget under ORS**
18 **294.305 to 294.565 that includes providing compensation or benefits to**
19 **the public official or a relative of the public official, be eligible to**
20 **participate in any discussion or debate on the budget and to vote.**

21 (3) Nothing in subsection (1) or (2) of this section requires any public
22 official to announce a conflict of interest more than once on the occasion
23 which the matter out of which the conflict arises is discussed or debated.

24 (4) Nothing in this section authorizes a public official to vote if the offi-
25 cial is otherwise prohibited from doing so.

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