

# DRAFT

## SUMMARY

Digest: The Act allows a public body to give public employees certain things. (Flesch Readability Score: 60.7).

Provides exceptions to the prohibited use by a public official of official position or office to obtain financial gain or avoid financial detriment that permit a public body to give public officials food, beverages and merchandise.

Declares and emergency, effective on passage.

## A BILL FOR AN ACT

Relating to use of official position or office; amending ORS 244.040; and declaring an emergency.

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

**SECTION 1.** ORS 244.040 is amended to read:

244.040. (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to obtain financial gain or avoidance of financial detriment for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official compensation package as determined by the public body that the public official serves.

(b) The receipt by a public official or a relative or member of the household of the public official of an honorarium or any other item allowed under

1 ORS 244.042.

2 (c) Reimbursement of expenses.

3 (d) An unsolicited award for professional achievement.

4 (e) Gifts that do not exceed the limits specified in ORS 244.025 received  
5 by a public official or a relative or member of the household of the public  
6 official from a source that could reasonably be known to have a legislative  
7 or administrative interest.

8 (f) Gifts received by a public official or a relative or member of the  
9 household of the public official from a source that could not reasonably be  
10 known to have a legislative or administrative interest.

11 (g) The receipt by a public official or a relative or member of the house-  
12 hold of the public official of any item, regardless of value, that is expressly  
13 excluded from the definition of “gift” in ORS 244.020.

14 (h) Contributions made to a legal expense trust fund established under  
15 ORS 244.209 for the benefit of the public official.

16 (i) Compensation received by the public official from any post-secondary  
17 institution paid in exchange for the public official teaching one or more  
18 courses at the institution.

19 **(j) Food, beverages or both provided to a public official by a public**  
20 **body during meetings or other official events held by the public body**  
21 **or as otherwise required to be provided by law or rule of this state.**

22 **(k) Merchandise provided to a public official by a public body if the**  
23 **cost of the merchandise does not exceed \$100 in a calendar year, except**  
24 **as otherwise provided by policy of the public body.**

25 (3) A public official may not solicit or receive, either directly or indi-  
26 rectly, and a person may not offer or give to any public official any pledge  
27 or promise of future employment, based on any understanding that the vote,  
28 official action or judgment of the public official would be influenced by the  
29 pledge or promise.

30 (4) A public official may not attempt to further or further the personal  
31 gain of the public official through the use of confidential information gained

1 in the course of or by reason of holding position as a public official or ac-  
2 tivities of the public official.

3 (5) A former public official may not attempt to further or further the  
4 personal gain of any person through the use of confidential information  
5 gained in the course of or by reason of holding position as a public official  
6 or the activities of the person as a public official.

7 (6) A person may not attempt to represent or represent a client for a fee  
8 before the governing body of a public body of which the person is a member.  
9 This subsection does not apply to the person's employer, business partner or  
10 other associate.

11 (7) A current or former public official may not solicit, receive or use  
12 public moneys from a public body, as defined in ORS 174.109, to pay or make  
13 payments on a civil penalty imposed on the current or former public official  
14 by the Oregon Government Ethics Commission in accordance with ORS  
15 171.992 or 244.350.

16 (8) The provisions of this section apply regardless of whether actual con-  
17 flicts of interest or potential conflicts of interest are announced or disclosed  
18 under ORS 244.120.

19 (9) As used in this section, the term "post-secondary institution" has the  
20 meaning given the term "eligible post-secondary institution" in ORS 348.180.

21 **SECTION 2. This 2026 Act being necessary for the immediate pres-**  
22 **ervation of the public peace, health and safety, an emergency is de-**  
23 **clared to exist, and this 2026 Act takes effect on its passage.**