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## Oregon Progressive Party Position on Bill at 2015 Session of Oregon Legislature:

### SB 292: Oppose

Dear Committee:

The Oregon Progressive Party officially opposes SB 294.

The only explanation offered for the bill is that it "repeals duplicative provisions regarding conflict of interest for planning commission members." But the provision it repeals, ORS 244.135, is not duplicative of other provisions. Instead, it is more stringent than other provisions. Repealing it will allow public officials to make decisions that ORS 244.135 itself forbids due to the existence of conflicts of interest.

ORS 244.135 states:

**244.135 Method of handling conflicts by planning commission members.** (1) A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

- (a) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;
- (b) Any business in which the member is then serving or has served within the previous two years; or
- (c) Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. [Formerly 215.035 and 227.035]

This statute refers to "any commission proceeding or action in which any of the following has a direct or substantial financial interest." This provision is quite similar to the term "potential conflict of interest." The statute disqualifies the commission member from any proceeding where such financial interest exists.

The Staff Measure Summary by the Senate Committee on Rules states that the above statute is duplicative of ORS 244.120, which is set out completely below. The provision applicable to planning commission members would be ORS 244.120(2), which requires only that the "appointed public official," in case of a potential conflict of interest, merely announce the nature of the potential conflict. ORS 244.120 allows the public official to take part in the proceeding and to vote on the decision or action. It is far less stringent than ORS 244.135.

What Oregon does not need is a relaxation of the conflict of interest rules for public officials. SB 294 would significantly relax those rules applicable to members of planning commissions.

**244.120 Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.** (1) Except as provided in subsection (2) 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) 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) 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) Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so. [1974 c.72 §10; 1975 c.543 §7; 1987 c.566 §15; 1993 c.743 §15]

Please include this statement in the legislative record for this bill.

Thank you.

