

STAFF MEASURE SUMMARY

House Committee On Rules

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 06/15/15

Action: Do Pass.

Meeting Dates: 05/13, 06/15

Vote:

Yeas: 7 - Barnhart, Gilliam, Hoyle, Nosse, Rayfield, Smith Warner, Wilson

Exc: 2 - Kennemer, McLane

Prepared By: Erin Seiler, Committee Administrator

WHAT THE MEASURE DOES:

Repeals duplicative statute regarding conflict of interest for planning commission members.

ISSUES DISCUSSED:

- Eliminates duplicative statute
- Planning commissioners, as public officials, are included in ORS 244.120
- Reasons for repeal of statute
- Duplicative statute uses terms not otherwise defined
- Legislative history of statute

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS 244.135 specifies how members of a city and county planning commission handle conflict of interest in commission proceedings or action in which there is a direct or substantial financial interest for the member or family. The statute states that a member of a city or county planning commission shall not participate in any commission proceeding or action in which the member or the spouse, brother, sister, child, parent, father-in-law or mother-in-law of the member has a direct or substantial financial interest; any business in which the member is then serving or has served within the previous two years; or is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. In addition, a member of a city or county planning commission shall disclose any actual or potential conflict of interest at the meeting of the commission where the action is being taken.

Senate Bill 292 repeals the statute because planning commissioners, as public officials, are included in conflict of interest requirements under ORS 244.120. ORS 244.120 states that when met with an actual or potential conflict of interest, a public official shall 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. In addition, an elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall: 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 when met with an actual conflict of interest, announce publicly the nature of the actual conflict.