

# DRAFT

## SUMMARY

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

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) of this paragraph, refrain  
11 from participating as a public official in any discussion or debate on the is-  
12 sue 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 **(3)(a) A member of the Legislative Assembly, when met with a po-**  
18 **tential conflict of interest, shall announce publicly, pursuant to rules**  
19 **of the house of which the public official is a member, the nature of**  
20 **the conflict before taking any action thereon in the capacity of a**  
21 **public official.**

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

26 **(A) Except as provided in subparagraph (B) of this paragraph, re-**  
27 **frain from participating as a member of the Legislative Assembly in**  
28 **any discussion or debate on the issue out of which the actual conflict**  
29 **arises or from voting on the issue.**

30 **(B) If the vote of the member of the Legislative Assembly is nec-**  
31 **essary to meet a requirement of a minimum number of votes to take**

1 **official action, be eligible to vote, but not to participate as a member**  
2 **of the Legislative Assembly in any discussion or debate on the issue**  
3 **out of which the actual conflict arises.**

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

8 [(4)] (5) Nothing in this section authorizes a public official to vote if the  
9 official is otherwise prohibited from doing so.

10 **SECTION 2. The amendments to ORS 244.120 by section 1 of this**  
11 **2023 Act apply to actual or potential conflicts of interest that arise on**  
12 **or after the effective date of this 2023 Act.**