

# Senate Bill 62

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits current or former public official from soliciting, receiving or using public moneys from public body to pay or make payments on civil penalty imposed by Oregon Government Ethics Commission.

## A BILL FOR AN ACT

1  
2 Relating to payment of civil penalties imposed by Oregon Government Ethics Commission; creating  
3 new provisions; and amending ORS 244.040.

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

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

6 244.040. (1) Except as provided in subsection (2) of this section, a public official may not use or  
7 attempt to use official position or office to obtain financial gain or avoidance of financial detriment  
8 for the public official, a relative or member of the household of the public official, or any business  
9 with which the public official or a relative or member of the household of the public official is as-  
10 sociated, if the financial gain or avoidance of financial detriment would not otherwise be available  
11 but for the public official's holding of the official position or office.

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

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

15 (b) The receipt by a public official or a relative or member of the household of the public official  
16 of an honorarium or any other item allowed under ORS 244.042.

17 (c) Reimbursement of expenses.

18 (d) An unsolicited award for professional achievement.

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

22 (f) Gifts received by a public official or a relative or member of the household of the public of-  
23 ficial from a source that could not reasonably be known to have a legislative or administrative in-  
24 terest.

25 (g) The receipt by a public official or a relative or member of the household of the public official  
26 of any item, regardless of value, that is expressly excluded from the definition of "gift" in ORS  
27 244.020.

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

30 (3) A public official may not solicit or receive, either directly or indirectly, and a person may

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 not offer or give to any public official any pledge or promise of future employment, based on any  
2 understanding that the vote, official action or judgment of the public official would be influenced  
3 by the pledge or promise.

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

7 (5) A *[person who has ceased to be a]* **former** public official may not attempt to further or fur-  
8 ther the personal gain of any person through the use of confidential information gained in the course  
9 of or by reason of holding position as a public official or the activities of the person as a public  
10 official.

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

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

18 ~~[(7)]~~ (8) The provisions of this section apply regardless of whether actual conflicts of interest  
19 or potential conflicts of interest are announced or disclosed under ORS 244.120.

20 **SECTION 2. The amendments to ORS 244.040 by section 1 of this 2021 Act apply to the**  
21 **payment of civil penalties imposed by the Oregon Government Ethics Commission on or after**  
22 **the effective date of this 2021 Act.**