

Senate Joint Resolution 28

Sponsored by Senator GIROD

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**.

Proposes amendment to Oregon Constitution to prohibit members of Legislative Assembly from voting on legislative measures when faced with conflict of interest. Permits vote to occur if legislative entity is otherwise unable to muster sufficient votes to pass or defeat measure. Authorizes Legislative Assembly by law to authorize regulatory agency to provide oversight to ensure compliance with conflict of interest requirements.

Refers proposed amendment to voters for their approval or rejection at next regular general election.

JOINT RESOLUTION

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2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating a new section
4 34 to be added to and made a part of Article IV, such section to read:

5 **SECTION 34. (1) A member of the Legislative Assembly may not cast a vote on a legis-**
6 **lative measure being considered in committee or in a floor session if the measure presents**
7 **the member with an actual conflict of interest or a potential conflict of interest. A member**
8 **must announce that the member is required to refrain from voting on the measure because**
9 **of a conflict of interest and shall state the nature of the conflict.**

10 **(2) Subsection (1) of this section does not apply if:**

11 **(a) The number of votes in favor of the measure, when added to the number of votes that**
12 **would be unable to be cast because of a conflict of interest, is less than the minimum number**
13 **of votes necessary to pass or adopt the measure; and**

14 **(b) The number of votes opposed to the measure is less than the minimum number of**
15 **votes needed to ensure that the measure not be passed or adopted.**

16 **(3) Notwithstanding sections 9 and 11 of this Article, the Legislative Assembly may by**
17 **law authorize a regulatory agency to provide oversight and an administrative forum to en-**
18 **sure compliance with this section.**

19 **(4) As used in this section:**

20 **(a) "Actual conflict of interest" means any vote on a legislative measure by a member**
21 **of the Legislative Assembly, the effect of which would be to the private pecuniary benefit or**
22 **detriment of the member or the member's relative or any business with which the member**
23 **or a relative of the member is associated, unless the pecuniary benefit or detriment arises**
24 **out of circumstances described in paragraph (b) of this subsection.**

25 **(b) "Potential conflict of interest" means any vote on a legislative measure by a member**
26 **of the Legislative Assembly, the effect of which could be to the private pecuniary benefit or**
27 **detriment of the member or the member's relative or any business with which the member**
28 **or a relative of the member is associated, unless the pecuniary benefit or detriment arises**

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 out of the following:

2 (A) Any vote that would affect to the same degree a class consisting of all inhabitants
3 of this state, or a smaller class consisting of an industry, occupation or other group includ-
4 ing one of which or in which the member or the member's relative or any business with
5 which the member or a relative of the member is associated.

6 (B) Membership in or membership on the board of directors of a nonprofit corporation
7 that is exempt from federal income tax.

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9 **PARAGRAPH 2.** The amendment proposed by this resolution shall be submitted to the
10 people for their approval or rejection at the next regular general election held throughout
11 this state.

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