

House Bill 4161

Sponsored by COMMITTEE ON RULES (at the request of Oregon Government and Ethics Commission Workgroup)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act allows a public body to give public employees certain things. (Flesch Readability Score: 60.7).

Provides exceptions to the prohibited use by a public official of official position or office to obtain financial gain or avoid financial detriment that permit a public body to give public officials food, beverages and merchandise.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to use of official position or office; amending ORS 244.040; and declaring an emergency.

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

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

5 244.040. (1) Except as provided in subsection (2) of this section, a public official may not use or
6 attempt to use official position or office to obtain financial gain or avoidance of financial detriment
7 for the public official, a relative or member of the household of the public official, or any business
8 with which the public official or a relative or member of the household of the public official is as-
9 sociated, if the financial gain or avoidance of financial detriment would not otherwise be available
10 but for the public official's holding of the official position or office.

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

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

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

16 (c) Reimbursement of expenses.

17 (d) An unsolicited award for professional achievement.

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

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

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

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

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 (i) Compensation received by the public official from any post-secondary institution paid in ex-
2 change for the public official teaching one or more courses at the institution.

3 (j) **Food, beverages or both provided to a public official by a public body during meetings**
4 **or other official events held by the public body or as otherwise required to be provided by law**
5 **or rule of this state.**

6 (k) **Merchandise provided to a public official by a public body if the cost of the mer-**
7 **chandise does not exceed \$100 in a calendar year, except as otherwise provided by policy of**
8 **the public body.**

9 (3) A public official may not solicit or receive, either directly or indirectly, and a person may
10 not offer or give to any public official any pledge or promise of future employment, based on any
11 understanding that the vote, official action or judgment of the public official would be influenced
12 by the pledge or promise.

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

16 (5) A former public official may not attempt to further or further the personal gain of any person
17 through the use of confidential information gained in the course of or by reason of holding position
18 as a public official or the activities of the person as a public official.

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

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

26 (8) The provisions of this section apply regardless of whether actual conflicts of interest or po-
27 tential conflicts of interest are announced or disclosed under ORS 244.120.

28 (9) As used in this section, the term "post-secondary institution" has the meaning given the term
29 "eligible post-secondary institution" in ORS 348.180.

30 **SECTION 2. This 2026 Act being necessary for the immediate preservation of the public**
31 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**
32 **on its passage.**

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