SUMMARY

Specifies that official action taken by public official who is disqualified by law from taking action is valid if disqualification arises from failure to disclose potential conflict of interest, public body reaffirms action or action of official consists solely of voting and vote was unnecessary to reach decision or was required by law.

A BILL FOR AN ACT

Relating to government ethics; creating new provisions; and amending ORS 244.130.

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

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 244.

SECTION 2. (1) If a public official takes official action by making a decision and the official is disqualified by law from taking the action, the action is valid if:

(a) The official is disqualified solely by reason of the failure of the official to disclose a potential conflict of interest;

(b) The public body the official serves or a superior public official on whose behalf the disqualified official took official action expressly reaffirms the action in writing and includes a description of all the reasons for disqualification of the official; or

(c) The action consists solely of casting a vote in making a collective decision and the vote cast by the official was unnecessary to reach the collective decision or the vote was necessary only as specified in ORS 244.120 (2).

(2) Subsection (1) of this section does not affect:

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.
(a) Any other provision of law or equity that affects the validity or invalidity of an official action taken by a public official;
(b) Any right or remedy otherwise available to any person; or
(c) Any applicable period of limitation or procedural prerequisite for a judicial remedy.
(3) As used in this section, “public body” has the meaning given that term in ORS 174.109.

SECTION 3. ORS 244.130 is amended to read:
244.130. (1) When a public official gives notice of an actual or potential conflict of interest, the actual or potential conflict shall be recorded in the official records of the public body, and a notice of the actual or potential conflict and how it was disposed of may in the discretion of the public body be provided the Oregon Government Standards and Practices Commission within a reasonable period of time. The commission may by rule establish criteria for cases in which such information shall, shall not, or may be provided to it.

(2) A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose an actual or a potential conflict of interest.

SECTION 4. Section 2 of this 2007 Act and the amendments to ORS 244.130 by section 3 of this 2007 Act apply to decisions or actions made or taken by public officials on or after the effective date of this 2007 Act.