

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2595

By COMMITTEE ON RULES

June 23

- 1 On page 2 of the printed A-engrossed bill, line 3, after "244.340," insert "244.345,".
- 2 In line 11, delete "Standards and Practices" and insert "Ethics".
- 3 On page 3, line 7, delete "Standards and Practices" and insert "Ethics".
- 4 In line 25, delete "Standards and Practices" and insert "Ethics".
- 5 On page 4, line 41, delete "Standards and Practices" and insert "Ethics".
- 6 On page 6, line 18, delete "Standards and Practices" and insert "Ethics".
- 7 On page 8, line 1, delete "Standards and Practices" and insert "Ethics".
- 8 In line 22, delete "Standards and Practices" and insert "Ethics".
- 9 In line 36, delete "Standards and Practices" and insert "Ethics".
- 10 On page 9, line 7, delete "Standards and Practices" and insert "Ethics".
- 11 In line 44, delete "Standards and Practices" and insert "Ethics".
- 12 On page 10, line 23, delete "Standards and Practices" and insert "Ethics".
- 13 In line 32, delete "Standards and Practices" and insert "Ethics".
- 14 In line 45, delete "Standards and Practices" and insert "Ethics".
- 15 On page 11, line 38, delete "Standards and Practices" and insert "Ethics".
- 16 On page 12, line 21, delete "Standards and Practices" and insert "Ethics".
- 17 On page 13, line 7, delete "Standards and Practices" and insert "Ethics".
- 18 In line 40, delete "Standards and Practices" and insert "Ethics".
- 19 On page 14, line 29, delete "Standards and Practices" and insert "Ethics".
- 20 In line 38, delete "Standards and Practices" and insert "Ethics".
- 21 On page 15, line 42, delete "Standards and Practices" and insert "Ethics".
- 22 On page 17, line 31, delete "Standards and Practices" and insert "Ethics".
- 23 On page 18, line 2, delete "to a person" and insert "under paragraph (a) or (b) of this
- 24 subsection".
- 25 On page 20, delete line 11 and insert:
- 26 "(D) Entering into a negotiated settlement; or".
- 27 In line 39, delete "Standards and Practices" and insert "Ethics".
- 28 On page 22, line 10, delete "Standards and Practices" and insert "Ethics".
- 29 In line 26, delete "to a person" and insert "under paragraph (a) or (b) of this subsection".
- 30 On page 24, delete line 23 and insert:
- 31 "(D) Entering into a negotiated settlement; or".
- 32 On page 25, line 22, delete "Standards and Practices" and insert "Ethics".
- 33 In line 32, delete "Standards and".
- 34 In line 33, delete "Practices" and insert "Ethics".
- 35 After line 45, insert:

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**“NEPOTISM**

**“SECTION 26a. Sections 26b to 26d of this 2007 Act are added to and made a part of ORS chapter 244.**

**“SECTION 26b. As used in sections 26c and 26d of this 2007 Act:**

**“(1) ‘Governing body’ has the meaning given that term in ORS 192.610.**

**“(2) ‘Member of the household’ means any person who resides with the public official.**

**“(3) ‘Public body’ has the meaning given that term in ORS 174.109.**

**“(4) ‘Relative’ means the spouse or domestic partner of the public official, any children of the public official or of the public official’s spouse or domestic partner, and brothers, sisters, half brothers, half sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren or parents of the public official or of the public official’s spouse or domestic partner.**

**“SECTION 26c. (1) Except as provided in subsections (2) to (4) of this section:**

**“(a) A public official may not appoint, employ or promote a relative or member of the household to, or discharge, fire or demote a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control, unless the public official complies with the conflict of interest requirements of this chapter.**

**“(b) A public official may not participate as a public official in any interview, discussion or debate regarding the appointment, employment or promotion of a relative or member of the household to, or the discharge, firing or demotion of a relative or member of the household from, a position with the public body that the public official serves or over which the public official exercises jurisdiction or control. As used in this paragraph, ‘participate’ does not include serving as a reference, providing a recommendation or performing other ministerial acts that are part of the normal job functions of the public official.**

**“(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position on the personal legislative staff of the member of the Legislative Assembly.**

**“(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or member of the household to or from a position as an unpaid volunteer with the public body that the public official serves or over which the public official exercises jurisdiction or control.**

**“(b) Paragraph (a) of this subsection does not apply to the appointment, employment, promotion, discharge, firing or demotion of a relative or member of the household to a position as an unpaid member of a governing body of the public body that the public official serves or over which the public official exercises jurisdiction or control.**

**“(c) A relative or member of the household described in paragraph (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.**

**“(4) This section does not prohibit a public body from appointing, employing, promoting, discharging, firing or demoting a person who is a relative or member of the household of a public official serving the public body.**

1       “**SECTION 26d.** (1) Notwithstanding ORS 659A.309 and except as provided in subsections  
2 (2) to (4) of this section, a public official acting in an official capacity may not directly su-  
3 pervise a person who is a relative or member of the household.

4       “(2) A member of the Legislative Assembly may directly supervise a person who:

5       “(a) Is a relative or member of the household; and

6       “(b) Serves as a public official in a position on the personal legislative staff of the mem-  
7 ber of the Legislative Assembly.

8       “(3)(a) A public official acting in an official capacity may directly supervise a person who  
9 is a relative or member of the household if the person serves as an unpaid volunteer.

10       “(b) Paragraph (a) of this subsection does not apply to service by a person in a position  
11 as an unpaid member of a governing body that a public official of whom the person is a rel-  
12 ative or member of the household serves or over which the public official exercises jurisdic-  
13 tion or control.

14       “(c) A relative or member of the household serving as an unpaid volunteer described in  
15 paragraph (a) of this subsection may receive reimbursement of expenses provided in the or-  
16 dinary course of business to similarly situated unpaid volunteers.

17       “(4) A public body may adopt policies specifying when a public official acting in an official  
18 capacity may directly supervise a person who is a relative or member of the household.”.

19       On page 26, line 5, delete “Standards and Practices” and insert “Ethics”.

20       In line 41, delete “Standards and Practices” and insert “Ethics”.

21       On page 27, line 23, delete “Standards and”.

22       In line 24, delete “Practices” and insert “Ethics”.

23       In line 35, delete “Standards and Practices” and insert “Ethics”.

24       In line 39, delete “Standards and Practices” and insert “Ethics”.

25       In line 44, delete “Standards and Practices” and insert “Ethics”.

26       On page 28, line 13, delete “Standards and Practices” and insert “Ethics”.

27       On page 29, line 6, delete “Standards and Practices” and insert “Ethics”.

28       In line 41, delete “Standards and Practices” and insert “Ethics”.

29       On page 30, after line 11, insert:

30       “**SECTION 40a.** ORS 244.345 is amended to read:

31       “244.345. The Oregon Government [*Standards and Practices*] **Ethics** Commission Account is es-  
32 tablished separate and distinct from the General Fund. All moneys received by the Oregon Govern-  
33 ment [*Standards and Practices*] **Ethics** Commission, other than appropriations from the General  
34 Fund, shall be deposited into the account and are continuously appropriated to the commission to  
35 carry out the duties, functions and powers of the commission.

36       “**SECTION 40b.** (1) The amendments to ORS 244.250 by section 1 of this 2007 Act are in-  
37 tended to change the name of the ‘Oregon Government Standards and Practices  
38 Commission’ to the ‘Oregon Government Ethics Commission.’

39       “(2) The amendments to ORS 244.345 by section 40a of this 2007 Act are intended to  
40 change the name of the ‘Oregon Government Standards and Practices Commission  
41 Account’ to the ‘Oregon Government Ethics Commission Account.’

42       “(3) For the purpose of harmonizing and clarifying statute sections published in Oregon  
43 Revised Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon  
44 Government Standards and Practices Commission,’ wherever they occur in Oregon Revised  
45 Statutes, other words designating the ‘Oregon Government Ethics Commission.’

1       **“(4) For the purpose of harmonizing and clarifying statute sections published in Oregon**  
2 **Revised Statutes, the Legislative Counsel may substitute for words designating the ‘Oregon**  
3 **Government Standards and Practices Commission Account,’ wherever they occur in Oregon**  
4 **Revised Statutes, other words designating the ‘Oregon Government Ethics Commission Ac-**  
5 **count.’”.**

6       In line 17, after “15,” insert “26a to 26d,”.

7       In line 20, after “244.340,” insert “244.345,”.

8       In line 21, delete “40” and insert “40a”.

9       In line 24, delete “Standards and Practices” and insert “Ethics”.

10      On page 31, line 22, delete “Standards and Practices” and insert “Ethics”.

11      In line 32, delete “Standards and” and insert “Ethics”.

12      In line 33, delete “Practices”.

13      After line 39, insert:

14      **“SECTION 48. (1) Section 26c of this 2007 Act applies to appointments, employment,**  
15 **promotions, discharges, firings, demotions or advocacy that first occurs on or after January**  
16 **1, 2008.**

17      **“(2) Section 26d of this 2007 Act applies to supervisory relationships that first occur on**  
18 **or after January 1, 2008.”.**

19      In line 40, delete “48” and insert “49”.

20      In line 43, delete “49” and insert “50”.

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