

## SENATE MINORITY REPORT AMENDMENTS TO A-ENGROSSED HOUSE BILL 2595

June 23

President Courtney:

A minority of your Committee on Rules, to whom was referred A-engrossed House Bill 2595, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

- 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" and restore the bracketed ma-
- 19 terial.
- 20 In line 41, restore the bracketed material and delete "(8)" and insert "(7)".
- 21 On page 14, line 29, delete "Standards and Practices" and insert "Ethics".
- 22 In line 38, delete "Standards and Practices" and insert "Ethics".
- 23 On page 15, line 42, delete "Standards and Practices" and insert "Ethics".
- 24 On page 17, line 31, delete "Standards and Practices" and insert "Ethics".
- 25 On page 18, line 2, delete "to a person" and insert "under paragraph (a) or (b) of this
- 26 subsection".
- 27 On page 20, delete line 11 and insert:
- 28 "(D) Entering into a negotiated settlement; or".
- 29 After line 23, insert:
- 30 "(7)(a) If the commission takes action by order to move to a contested case proceeding, the
- 31 person who is the subject of the action may request that the commission file a lawsuit against the
- 32 person in the Marion County Circuit Court in lieu of the contested case proceeding. The person

1 must make the request in writing not later than 21 days after receiving notification of the commis-  
2 sion's action by order to move to the contested case proceeding.

3 "(b) Not later than 30 days after receiving a request under paragraph (a) of this subsection, the  
4 commission shall file suit in Marion County Circuit Court or move to a contested case proceeding  
5 described in paragraph (c) of this subsection.

6 "(c) If the commission moves to a contested case proceeding after receiving a request under  
7 paragraph (a) of this subsection, the commission shall designate by order that the decision of the  
8 administrative law judge referred to in subsection (10) of this section is the final order in the con-  
9 tested case."

10 In line 24, delete "(7)" and insert "(8)".

11 In line 28, delete "(8)" and insert "(9)".

12 In line 36, delete "(9)" and insert "(10)".

13 In line 38, before "The" insert "Except as provided in subsection (7)(c) of this section,".

14 In line 39, delete "(10)" and insert "(11)" and delete "Standards and Practices" and insert  
15 "Ethics".

16 In line 43, delete "(11)" and insert "(12)".

17 On page 21, line 3, delete "(12)" and insert "(13)".

18 In line 6, delete "(13)" and insert "(14)".

19 On page 22, line 10, delete "Standards and Practices" and insert "Ethics".

20 In line 26, delete "to a person" and insert "under paragraph (a) or (b) of this subsection".

21 On page 24, delete line 23 and insert:

22 "(D) Entering into a negotiated settlement; or".

23 After line 35, insert:

24 "(7)(a) If the commission takes action by order to move to a contested case proceeding, the  
25 person who is the subject of the action may request that the commission file a lawsuit against the  
26 person in the Marion County Circuit Court in lieu of the contested case proceeding. The person  
27 must make the request in writing not later than 21 days after receiving notification of the commis-  
28 sion's action by order to move to the contested case proceeding.

29 "(b) Not later than 30 days after receiving a request under paragraph (a) of this subsection, the  
30 commission shall file suit in Marion County Circuit Court or move to a contested case proceeding  
31 described in paragraph (c) of this subsection.

32 "(c) If the commission moves to a contested case proceeding after receiving a request under  
33 paragraph (a) of this subsection, the commission shall designate by order that the decision of the  
34 administrative law judge referred to in subsection (10) of this section is the final order in the con-  
35 tested case."

36 In line 36, delete "(7)" and insert "(8)".

37 In line 40, delete "(8)" and insert "(9)".

38 In line 45, delete "(9)" and insert "(10)".

39 On page 25, line 2, before "The" insert "Except as provided in subsection (7)(c) of this  
40 section,".

41 In line 3, delete "(10)" and insert "(11)".

42 In line 6, delete "(11)" and insert "(12)".

43 In line 11, delete "(12)" and insert "(13)".

44 In line 14, delete "(13)" and insert "(14)".

45 In line 22, delete "Standards and Practices" and insert "Ethics".

1 In line 28, restore the bracketed material.  
2 In line 32, delete “Standards and”.  
3 In line 33, delete “Practices” and insert “Ethics”.  
4 In line 39, restore the bracketed material.  
5 After line 45, insert:

6  
7 **“NEPOTISM**  
8

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

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

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

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

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

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

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

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

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

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

37 **“(3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or ad-**  
38 **vocate for the appointment, employment, promotion, discharge, firing or demotion of, a rel-**  
39 **ative or member of the household to or from a position as an unpaid volunteer with the**  
40 **public body that the public official serves or over which the public official exercises juris-**  
41 **isdiction or control.**

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

1 “(c) A relative or member of the household described in paragraph (a) of this subsection  
2 may receive reimbursement of expenses provided in the ordinary course of business to sim-  
3 ilarly situated unpaid volunteers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 On page 30, after line 11, insert:

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

37 “244.345. The Oregon Government [*Standards and Practices*] **Ethics** Commission Account is es-  
38 tablished separate and distinct from the General Fund. All moneys received by the Oregon Govern-  
39 ment [*Standards and Practices*] **Ethics** Commission, other than appropriations from the General  
40 Fund, shall be deposited into the account and are continuously appropriated to the commission to  
41 carry out the duties, functions and powers of the commission.

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

45 “(2) The amendments to ORS 244.345 by section 40a of this 2007 Act are intended to

1 change the name of the 'Oregon Government Standards and Practices Commission  
2 Account' to the 'Oregon Government Ethics Commission Account.'

3 "(3) For the purpose of harmonizing and clarifying statute sections published in Oregon  
4 Revised Statutes, the Legislative Counsel may substitute for words designating the 'Oregon  
5 Government Standards and Practices Commission,' wherever they occur in Oregon Revised  
6 Statutes, other words designating the 'Oregon Government Ethics Commission.'

7 "(4) For the purpose of harmonizing and clarifying statute sections published in Oregon  
8 Revised Statutes, the Legislative Counsel may substitute for words designating the 'Oregon  
9 Government Standards and Practices Commission Account,' wherever they occur in Oregon  
10 Revised Statutes, other words designating the 'Oregon Government Ethics Commission Ac-  
11 count.'"

12 In line 17, after "15," insert "26a to 26d,".

13 In line 20, after "244.340," insert "244.345,".

14 In line 21, delete "40" and insert "40a".

15 In line 24, delete "Standards and Practices" and insert "Ethics".

16 On page 31, line 22, delete "Standards and Practices" and insert "Ethics".

17 In line 32, delete "Standards and" and insert "Ethics".

18 In line 33, delete "Practices".

19 After line 39, insert:

20 "**SECTION 48.** (1) Section 26c of this 2007 Act applies to appointments, employment,  
21 promotions, discharges, firings, demotions or advocacy that first occurs on or after January  
22 1, 2008.

23 "(2) Section 26d of this 2007 Act applies to supervisory relationships that first occur on  
24 or after January 1, 2008."

25 In line 40, delete "48" and insert "49".

26 In line 43, delete "49" and insert "50".

27 /s/ Jeff Kruse  
28 Senator

29 /s/ Ted Ferrioli  
30 Senator