

Senate Bill 495

Sponsored by COMMITTEE ON RULES (at the request of Oregon Law Commission)

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**.

Allows public official to appoint, employ or promote relative or member of household to, or discharge, fire or demote relative or member of household from, position with public body that public official serves if public official complies with conflict of interest requirements. Prohibits public official from participating in interview, discussion or debate regarding appointment, employment, promotion, discharge, firing or demotion of relative or member of household. Provides exceptions for legislative staff and unpaid volunteers.

Prohibits public official acting in official capacity from directly supervising relative or member of household. Provides exceptions.

Allows public bodies to adopt policies specifying when public official may supervise relative or member of household.

A BILL FOR AN ACT

1
2 Relating to government ethics.

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

NEPOTISM

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7 **SECTION 1. Sections 2 to 4 of this 2007 Act are added to and made a part of ORS chapter**
8 **244.**

9 **SECTION 2. As used in sections 3 and 4 of this 2007 Act:**

10 (1) "Governing body" has the meaning given that term in ORS 192.610.

11 (2) "Member of the household" means any person who resides with the public official.

12 (3) "Public body" has the meaning given that term in ORS 174.109.

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

18 **SECTION 3. (1) Except as provided in subsections (2) to (4) of this section:**

19 (a) A public official may appoint, employ or promote a relative or member of the house-
20 hold to, or discharge, fire or demote a relative or member of the household from, a position
21 with the public body in which the public official serves or over which the public official ex-
22 ercises jurisdiction or control if the public official complies with the conflict of interest re-
23 quirements of this chapter.

24 (b) A public official may not participate as a public official in any interview, discussion
25 or debate regarding the appointment, employment or promotion of a relative or member of
26 the household to, or the discharge, firing or demotion of a relative or member of the
27 household from, a position with the public body in which the public official serves or over

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 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
 2 other ministerial acts that are part of the normal job functions of the public official.
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4 (2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire
 5 or demote, or advocate for the appointment, employment, promotion, discharge, firing or
 6 demotion, of a relative or member of the household of the member of the Legislative As-
 7 sembly to or from a position on the personal legislative staff of the member of the Legisla-
 8 tive Assembly.

9 (3)(a) A public official may appoint, employ, promote, discharge, fire or demote, or ad-
 10 vocate for the appointment, employment, promotion, discharge, firing or demotion, of a rel-
 11 ative or member of the household to or from a position as an unpaid volunteer with the
 12 public body in which the public official serves or over which the public official exercises ju-
 13 risdiction or control.

14 (b) Paragraph (a) of this subsection does not apply to the appointment, employment,
 15 promotion, discharge, firing or demotion of a relative or member of the household to a po-
 16 sition as an unpaid member of a governing body of the public body in which the public official
 17 serves or over which the public official exercises jurisdiction or control.

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

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

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

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

28 (a) Is a relative or member of the household of the member of the Legislative Assembly;
 29 and

30 (b) Serves as a public official in a position on the personal legislative staff of the member
 31 of the Legislative Assembly.

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

34 (b) Paragraph (a) of this subsection does not apply to service by a person in a position
 35 as an unpaid member of a governing body in which a public official of whom the person is a
 36 relative or member of the household serves or over which the public official exercises juris-
 37 diction or control.

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

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

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 44 **MISCELLANEOUS PROVISIONS**
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1 **SECTION 5.** (1) Section 3 of this 2007 Act applies to appointments, employment, pro-
2 motions, discharges, firings, demotions or advocacy that first occurs on or after the effective
3 date of this 2007 Act.

4 (2) Section 4 of this 2007 Act applies to supervisory relationships that first occur on or
5 after the effective date of this 2007 Act.

6 **SECTION 6.** The unit captions used in this 2007 Act are provided only for the convenience
7 of the reader and do not become part of the statutory law of this state or express any leg-
8 islative intent in the enactment of this 2007 Act.

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