

# House Bill 3419

Sponsored by Representatives WILLIAMSON, EVANS, ALONSO LEON; Representatives BYNUM, MEEK, SOLLMAN

## 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**.

Requires member of Legislative Assembly who has relative or member of household receiving salary for serving on member's personal legislative staff to file statement with Oregon Government Ethics Commission naming each such relative or member of household and stating amount of money each relative or member of household receives in salary.

## A BILL FOR AN ACT

1  
2 Relating to nepotism laws for members of the Legislative Assembly; creating new provisions; and  
3 amending ORS 244.177 and 244.179.

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

5 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS chapter 244.**

6 **SECTION 2. A member of the Legislative Assembly shall file annually with the Oregon  
7 Government Ethics Commission a form listing:**

8 (1) **Each relative or member of the household of the member of the Legislative Assembly  
9 who receives a salary for serving on the personal legislative staff of the member of the  
10 Legislative Assembly.**

11 (2) **The amount of money each individual identified under subsection (1) of this section  
12 receives as a salary for serving on the personal legislative staff of the member of the Leg-  
13 islative Assembly.**

14 **SECTION 3. ORS 244.177 is amended to read:**

15 244.177. (1) Except as provided in subsections (2) to (4) of this section:

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

20 (b) A public official may not participate as a public official in any interview, discussion or de-  
21 bate regarding the appointment, employment or promotion of a relative or member of the household  
22 to, or the discharge, firing or demotion of a relative or member of the household from, a position  
23 with the public body that the public official serves or over which the public official exercises juris-  
24 diction or control. As used in this paragraph, "participate" does not include serving as a reference,  
25 providing a recommendation or performing other ministerial acts that are part of the normal job  
26 functions of the public official.

27 (2) **Subject to section 2 of this 2017 Act**, a member of the Legislative Assembly may appoint,  
28 employ, promote, discharge, fire or demote, or advocate for the appointment, employment, promotion,  
29 discharge, firing or demotion of, a relative or member of the household to or from a position on the  
30 personal legislative staff of the member of the Legislative Assembly.

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

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

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

12 (4) This section does not prohibit a public body from appointing, employing, promoting, dis-  
 13 charging, firing or demoting a person who is a relative or member of the household of a public of-  
 14 ficial serving the public body.

15 **SECTION 4.** ORS 244.179 is amended to read:

16 244.179. (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) to (4) of  
 17 this section, a public official acting in an official capacity may not directly supervise a person who  
 18 is a relative or member of the household.

19 (2) **Subject to section 2 of this 2017 Act**, a member of the Legislative Assembly may directly  
 20 supervise a person who:

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

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

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

26 (b) Paragraph (a) of this subsection does not apply to service by a person in a position as an  
 27 unpaid member of a governing body that a public official of whom the person is a relative or member  
 28 of the household serves or over which the public official exercises jurisdiction or control.

29 (c) A relative or member of the household serving as an unpaid volunteer described in paragraph  
 30 (a) of this subsection may receive reimbursement of expenses provided in the ordinary course of  
 31 business to similarly situated unpaid volunteers.

32 (4) A public body may adopt policies specifying when a public official acting in an official ca-  
 33 pacity may directly supervise a person who is a relative or member of the household.

34 **SECTION 5. Section 2 of this 2017 Act and the amendments to ORS 244.177 and 244.179**  
 35 **by sections 3 and 4 of this 2017 Act apply to members of the Legislative Assembly who have**  
 36 **relatives or members of the household receiving a salary for serving on the personal legis-**  
 37 **lative staff of the member of the Legislative Assembly on or after the effective date of this**  
 38 **2017 Act.**