House Bill 2220

Sponsored by Representative WILDE (Presession filed.)

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.

Removes ability for member of Legislative Assembly to appoint or employ relative or member of household on personal legislative staff unless relative or member of household serves as unpaid volunteer.

Applies to relative or member of household hired on or after January 1, 2022.

A BILL FOR AN ACT

Relating to nepotism; creating new provisions; and amending ORS 244.177 and 244.179.

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

SECTION 1. ORS 244.177 is amended to read:

244.177. (1) Except as provided in subsections (2) to [(4)] (5) 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) A member of the Legislative Assembly may not 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.

(b) As used in paragraph (a) of this subsection, “position” does not include an unpaid volunteer 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)] (4) A relative or member of the household serving in an unpaid volunteer position described in [paragraph (a) of this] subsection (2)(b) or (3)(a) of this section may receive reimbursement of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

[(4)] (5) 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.

SECTION 2. ORS 244.179 is amended to read:

244.179. (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) [(to (4)) and (3)] of this section, a public official acting in an official capacity may not directly supervise a person who is a relative or member of the household.

[(2) A member of the Legislative Assembly may directly supervise a person who:] (a) Is a relative or member of the household; and

[(b) Serves as a public official in a position on the personal legislative staff of the member of the Legislative Assembly.] (3)(a) A public official acting in an official capacity may directly supervise a person who serves as an unpaid volunteer. (b) Paragraph (a) of this subsection does not apply to service by a person in a position as an unpaid member of a governing body that a public official of whom the person is a relative or member of the household serves or over which the public official exercises jurisdiction or control. (c) A relative or member of the household serving as an unpaid volunteer 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)] (3) A public body may adopt policies specifying when a public official acting in an official capacity may directly supervise a person who is a relative or member of the household.

SECTION 3. The amendments to ORS 244.177 and 244.179 by sections 1 and 2 of this 2021 Act:

(1) Apply to the appointment, employment, promotion or supervision of an individual who is a relative or member of the household of a member of the Legislative Assembly and who is first appointed or employed to serve on the personal legislative staff of the member of the Legislative Assembly on or after the effective date of this 2021 Act; and

(2) Do not apply to the appointment, employment, promotion or supervision of an individual who is a relative or member of the household of a member of the Legislative Assembly and who is serving as a public official in a position on the personal legislative staff of a member of the Legislative Assembly on the effective date of this 2021 Act.