

D R A F T

SUMMARY

Prohibits member of Legislative Assembly from appointing, hiring or otherwise supervising person who is relative or member of household of member of Legislative Assembly.

A BILL FOR AN ACT

Relating to nepotism; 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)*] **and (3)** 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

1 job functions of the public official.

2 [(2) *A member of the Legislative Assembly may appoint, employ, promote,*
3 *discharge, fire or demote, or advocate for the appointment, employment, pro-*
4 *motion, discharge, firing or demotion of, a relative or member of the household*
5 *to or from a position on the personal legislative staff of the member of the*
6 *Legislative Assembly.*]

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

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

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

21 [(4)] **(3)** This section does not prohibit a public body from appointing,
22 employing, promoting, discharging, firing or demoting a person who is a
23 relative or member of the household of a public official serving the public
24 body.

25 **SECTION 2.** ORS 244.179 is amended to read:

26 244.179. (1) Notwithstanding ORS 659A.309 and except as provided in
27 subsections (2) [*to (4)*] **and (3)** of this section, a public official acting in an
28 official capacity may not directly supervise a person who is a relative or
29 member of the household.

30 [(2) *A member of the Legislative Assembly may directly supervise a person*
31 *who:*]

1 [(a) *Is a relative or member of the household; and*]

2 [(b) *Serves as a public official in a position on the personal legislative staff*
3 *of the member of the Legislative Assembly.*]

4 [(3)(a)] **(2)(a)** A public official acting in an official capacity may directly
5 supervise a person who is a relative or member of the household if the person
6 serves as an unpaid volunteer.

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

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

15 [(4)] **(3)** A public body may adopt policies specifying when a public official
16 acting in an official capacity may directly supervise a person who is a rela-
17 tive or member of the household.

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