

House Bill 3106

Sponsored by COMMITTEE ON RULES (at the request of Representative Julie Fahey)

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**.

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

1
2 Relating to nepotism; amending ORS 244.177 and 244.179.

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

4 **SECTION 1.** ORS 244.177 is amended to read:

5 244.177. (1) Except as provided in subsections (2) *[to (4)]* **and (3)** of this section:

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

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

17 *[(2) A member of the Legislative Assembly may appoint, employ, promote, discharge, fire or demote,*
18 *or advocate for the appointment, employment, promotion, discharge, firing or demotion of, a relative or*
19 *member of the household to or from a position on the personal legislative staff of the member of the*
20 *Legislative Assembly.]*

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

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

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

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

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

5 244.179. (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) [to (4)] **and**
6 (3) of this section, a public official acting in an official capacity may not directly supervise a person
7 who is a relative or member of the household.

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

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

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

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

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

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

20 [(4)] (3) A public body may adopt policies specifying when a public official acting in an official
21 capacity may directly supervise a person who is a relative or member of the household.

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