

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

1
2 Relating to nepotism; creating new provisions; and 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)] (5) 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) A member of the Legislative Assembly may **not** appoint, employ, promote, discharge, fire
18 or demote, or advocate for the appointment, employment, promotion, discharge, firing or demotion
19 of, a relative or member of the household to or from a position on the personal legislative staff of
20 the member of the Legislative Assembly.

21 **(b) As used in paragraph (a) of this subsection, "position" does not include an unpaid**
22 **volunteer position on the personal legislative staff of the member of the Legislative Assem-**
23 **bly.**

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

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

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 public official exercises jurisdiction or control.

2 [(c)] (4) A relative or member of the household **serv**ing in an unpaid volunteer position de-
3 scribed in [paragraph (a) of this] subsection (2)(b) or (3)(a) of this section may receive reimburse-
4 ment of expenses provided in the ordinary course of business to similarly situated unpaid volunteers.

5 [(4)] (5) This section does not prohibit a public body from appointing, employing, promoting,
6 discharging, firing or demoting a person who is a relative or member of the household of a public
7 official serving the public body.

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

9 244.179. (1) Notwithstanding ORS 659A.309 and except as provided in subsections (2) [to (4)] **and**
10 (3) of this section, a public official acting in an official capacity may not directly supervise a person
11 who is a relative or member of the household.

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

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

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

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

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

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

24 [(4)] (3) A public body may adopt policies specifying when a public official acting in an official
25 capacity may directly supervise a person who is a relative or member of the household.

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

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

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

36