

HB 3377-7
(LC 3801)
4/15/19 (DJ/ps)

Requested by JOINT COMMITTEE ON CAPITOL CULTURE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3377**

1 In line 2 of the printed bill, after “branch” insert “; creating new pro-
2 visions; amending ORS 40.252, 171.415, 171.740, 171.745 and 244.050; and de-
3 claring an emergency”.

4 Delete lines 4 and 5 and insert:

5 **“SECTION 1. (1) The Joint Committee on Conduct is established as**
6 **a joint committee of the Legislative Assembly.**

7 **“(2) The Legislative Equity Office is established as a nonpartisan**
8 **office of the Legislative Assembly that is independent of any other**
9 **nonpartisan office.**

10 **“(3) By concurrent resolution, the Legislative Assembly shall select**
11 **a Legislative Equity Officer, to serve as the executive officer of the**
12 **Legislative Equity Office.**

13 **“(4) The committee may recruit, conduct interviews and make rec-**
14 **ommendations for the appointment of the Legislative Equity Officer**
15 **by the Legislative Assembly. The committee shall consult with the**
16 **Capitol Leadership Team established under section 13 of this 2019 Act**
17 **in the performance of the committee’s duties under this section.**

18 **“(5) Subject to the limitations otherwise provided by law for ex-**
19 **penses of state officers, the Legislative Equity Officer shall be reim-**
20 **bursed for actual and necessary expenses incurred or paid by the**
21 **officer in the performance of duties of the officer.**

1 **“(6) The Legislative Equity Officer serves for a four-year term and**
2 **is eligible for reappointment to succeeding terms. An officer may be**
3 **removed for cause by the committee upon a finding by the committee**
4 **that supports a for-cause removal of the officer.**

5 **“(7) The committee shall:**

6 **“(a) Receive from the Legislative Equity Officer annual reports de-**
7 **scribed in section 5 of this 2019 Act and any other reports the com-**
8 **mittee or officer determines are warranted;**

9 **“(b) Provide office facilities for the officer that are sufficiently in-**
10 **dependent to ensure that the officer operates independently of any**
11 **other legislative branch organization, including but not limited to au-**
12 **thorizing the officer to maintain facilities that are located near but**
13 **outside of the State Capitol;**

14 **“(c) Ensure that the officer possesses all possible indicia of inde-**
15 **pendence from the other parts of the legislative branch;**

16 **“(d) Provide ongoing direction and oversight for continual updating**
17 **of the training described in section 7 of this 2019 Act;**

18 **“(e) Develop and maintain a respectful workplace policy to be ad-**
19 **ministered by the Legislative Administrator and that is designed to**
20 **address conduct that is inconsistent with a respectful workplace in the**
21 **State Capitol and that does not rise to the level of creating a hostile**
22 **work environment or violating public accommodation law;**

23 **“(f) Provide policy direction and oversight to the officer; and**

24 **“(g) Perform other duties as assigned by joint rules of the Legisla-**
25 **tive Assembly.**

26 **“(8) The Joint Committee on Conduct shall be composed of those**
27 **members of the Senate Committee on Conduct formed to perform de-**
28 **legated and assigned functions described in Article IV, section 15, of**
29 **the Oregon Constitution, for the Senate and the House Committee on**
30 **Conduct formed to perform delegated and assigned functions described**

1 in Article IV, section 15, of the Oregon Constitution, for the House of
2 Representatives.

3 “(9) In any hearing to perform a function described in Article IV,
4 section 15, of the Oregon Constitution, Joint Committee on Conduct
5 members of the other legislative chamber may attend and be seated
6 at the dais as nonvoting observers.

7 “(10) Notwithstanding subsection (8) of this section, a member of
8 the Joint Committee on Conduct shall be recused from service on a
9 committee on conduct performing functions under Article IV, section
10 15, of the Oregon Constitution, if the facts and circumstances at issue
11 could impair the member’s ability to act impartially and without bias.
12 In the event of a recusal, the appointing authority shall appoint an
13 acting member until the functions performed under Article IV, section
14 15, of the Oregon Constitution, have been resolved.

15 “SECTION 2. (1) The Joint Committee on Conduct has a continuing
16 existence and may meet, act and conduct its business during the ses-
17 sions of the Legislative Assembly or any recess thereof, and in the
18 interim period between sessions, but the committee has no authority
19 to affect the rules of either legislative chamber.

20 “(2) The committee may not transact business unless a quorum is
21 present. A quorum consists of a majority of committee members from
22 the House of Representatives and a majority of committee members
23 from the Senate.

24 “(3) Action by the committee requires the affirmative vote of a
25 majority of committee members from the House of Representatives
26 and a majority of committee members from the Senate.

27 “SECTION 3. Notwithstanding sections 1 and 2 of this 2019 Act, if
28 a vacancy occurs in the position of the Legislative Equity Officer be-
29 fore the expiration of the term of the officer, the Joint Committee on
30 Conduct may select an acting replacement for the vacated officer. The

1 acting equity officer selected by the committee serves at the
2 committee's pleasure until a Legislative Equity Officer is appointed
3 under section 1 of this 2019 Act.

4 **SECTION 4.** Notwithstanding sections 1 and 2 of this 2019 Act, if
5 the 2019 regular session of the Eightieth Legislative Assembly adjourns
6 sine die before the Legislative Equity Officer has been appointed by the
7 Legislative Assembly, the Joint Committee on Conduct may select an
8 acting equity officer for the vacant position. The acting equity officer
9 selected by the committee serves at the committee's pleasure until a
10 Legislative Equity Officer is appointed under section 1 of this 2019 Act.

11 **SECTION 5.** (1) The Legislative Equity Officer shall:

12 **"(a)** Prepare and present an annual report to the Joint Committee
13 on Conduct. The annual report shall include:

14 **"(A)** A description of the activities of the officer since the last re-
15 port;

16 **"(B)** A detailed description of the training curricula and subjects
17 addressed in the training described in section 7 of this 2019 Act;

18 **"(C)** Statistics that list the number of confidential disclosures,
19 conduct reports and conduct complaints made under any applicable
20 rule, policy or law addressing harassment, discrimination and retali-
21 ation in the legislative branch and the number of investigations con-
22 ducted, except that statistics reported under this subparagraph may
23 not disclose any characteristics that would permit confidential identi-
24 ties to be determined or inferred;

25 **"(D)** The results, or a summary of the results, of the most recent
26 culture and climate survey undertaken by the officer under section 11
27 of this 2019 Act; and

28 **"(E)** Any other information required by the committee.

29 **"(b)** Establish and maintain a Capitol Leadership Team to perform
30 the duties described in section 13 of this 2019 Act.

1 “(2) The Legislative Equity Officer may employ and fix the com-
2 pensation of such professional assistants and other employees as the
3 officer deems necessary for the work under the officer’s charge.

4 “(3) The Legislative Equity Officer may enter into contracts to
5 carry out the functions of the Legislative Equity Office.

6 “SECTION 6. (1) Under the direction of the Joint Committee on
7 Conduct, the Legislative Equity Officer shall contract with one or
8 more individuals who are unaffiliated with the legislative branch and
9 who meet the standards and criteria established by the committee for
10 performing services for the legislative branch as an independent in-
11 vestigator. An independent investigator shall:

12 “(a) Receive complaints and reports alleging harassment or other
13 conduct that is asserted to violate standards of harassment, discrimi-
14 nation or retaliation prescribed by legislative branch personnel rules;

15 “(b) Conduct investigations, determine facts, write investigative
16 reports and report outcomes of investigations to appointing authorities
17 or other persons or entities identified in legislative branch personnel
18 rules or chamber rules as recipients of independent investigator re-
19 ports; and

20 “(c) Make recommendations regarding interim safety measures to
21 appointing authorities or other persons or entities identified in legis-
22 lative branch personnel rules or chamber rules as recipients of inde-
23 pendent investigator recommendations on interim safety measures.

24 “(2) An independent investigator may not have access to confiden-
25 tial files and records of the Legislative Equity Officer.

26 “SECTION 7. (1) The Legislative Equity Officer shall at least once
27 each calendar quarter conduct a minimum of two hours of respectful
28 workplace training, including training on:

29 “(a) Legislative branch workplace harassment avoidance policies
30 and rules; and

1 **“(b) Legislative branch procedures and rules for reporting or filing**
2 **complaints to address instances of harassment.**

3 **“(2) The training described in subsection (1) of this section must**
4 **be attended annually by all legislators, legislative staff and legislative**
5 **interns and volunteers. Employees of contractors who reasonably ex-**
6 **pect to be regularly present in the State Capitol must also attend the**
7 **training described in subsection (1) of this section. Lobbyists and**
8 **executive branch and judicial branch personnel who are regularly**
9 **present in the State Capitol may be invited to attend the training. The**
10 **Legislative Equity Officer shall record attendance at the trainings and**
11 **shall make attendance records publicly available.**

12 **“(3)(a) The Legislative Equity Officer shall make the training de-**
13 **scribed in subsection (1) of this section available online. The officer**
14 **shall maintain records of all persons who have taken online training.**

15 **“(b) The online training described in this subsection is intended to**
16 **be a last-resort alternative to the in-person training described in sub-**
17 **section (1) of this section. An individual required to attend training**
18 **under this section may substitute online training for in-person at-**
19 **tendance only once in any two-year period.**

20 **“(4)(a) The Legislative Equity Officer shall strive to present the**
21 **training in small group settings and employ best practices to maximize**
22 **attendance at in-person trainings.**

23 **“(b) Of the trainings described in subsection (1) of this section, at**
24 **least one training session annually shall be on basic requirements**
25 **under legislative branch personnel rules and at least one training**
26 **session annually shall be an in-depth focus on one of the following**
27 **topics:**

28 **“(A) Conduct that constitutes harassment under legislative branch**
29 **personnel rules or other law;**

30 **“(B) Specific guidance addressing subtle forms of discrimination**

1 and harassment that become unlawful because of the pervasiveness
2 of the conduct;

3 “(C) Available methods of reporting harassment;

4 “(D) Supervisor obligations to report harassment;

5 “(E) The authority every individual has to withdraw consent to in-
6 timate conduct and the challenges associated with consensual re-
7 lationships in the workplace;

8 “(F) Examples of positive workplace behaviors and constructive
9 working relationships;

10 “(G) Skills necessary for individuals to become active bystanders
11 who promote culture change and oppose harassing behavior they ob-
12 serve in the workplace;

13 “(H) Methods for discouraging behavior that does not promote a
14 productive and inclusive work environment; or

15 “(I) The human impact and harm to the work environment that
16 harassment causes.

17 “(5) The Legislative Equity Officer may contract with other persons
18 or entities with experience performing harassment avoidance and
19 respectful workplace training for the performance of the training de-
20 scribed in this section.

21 “(6) The Legislative Equity Officer shall employ best practices in:

22 “(a) Developing training content described in this section and de-
23 livery methodologies for the training content; and

24 “(b) Writing and publishing written guidance on Legislative Branch
25 Rules and policies relating to:

26 “(A) Promoting a respectful and inclusive workplace;

27 “(B) Reporting or filing complaints about harassing, discriminatory
28 or retaliatory behavior, or other behavior prohibited by branch rules
29 or policies; and

30 “(C) Understanding options available to those who are experiencing

1 **behavior prohibited by branch rules or policies.**

2 **“(7) The Legislative Equity Officer shall consult with the Legislative**
3 **Administrator and the committee described in section 11 (2) of this**
4 **2019 Act in the development of respectful workplace training.**

5 **“SECTION 8. The Legislative Equity Officer shall begin undertaking**
6 **training described in section 7 of this 2019 Act as soon as is practicable**
7 **after the effective date of this 2019 Act.**

8 **“SECTION 9.** Section 7 of this 2019 Act is amended to read:

9 **“Sec. 7.** (1) The Legislative Equity Officer shall at least once each cal-
10 endar quarter conduct a minimum of two hours of respectful workplace
11 training, including training on:

12 **“(a)** Legislative branch workplace harassment avoidance policies and
13 rules; and

14 **“(b)** Legislative branch procedures and rules for reporting or filing com-
15 plaints to address instances of harassment.

16 **“(2)** The training described in subsection (1) of this section must be at-
17 tended annually by all legislators, legislative staff, [and] legislative
18 interns, [and] **legislative volunteers and lobbyists who are required to**
19 **register with the Oregon Government Ethics Commission.** Employees
20 of contractors who reasonably expect to be regularly present in the State
21 Capitol must also attend the training described in subsection (1) of this
22 section. [Lobbyists and] Executive branch and judicial branch personnel who
23 are regularly present in the State Capitol may be invited to attend the
24 training. The Legislative Equity Officer shall record attendance at the
25 trainings and shall make attendance records publicly available.

26 **“(3)(a)** The Legislative Equity Officer shall make the training described
27 in subsection (1) of this section available online. The officer shall maintain
28 records of all persons who have taken online training.

29 **“(b)** The online training described in this subsection is intended to be a
30 last-resort alternative to the in-person training described in subsection (1)

1 of this section. **Except for a registered lobbyist whose principal office**
2 **is outside of this state**, an individual required to attend training under this
3 section may substitute online training for in-person attendance only once in
4 any two-year period.

5 “(4)(a) The Legislative Equity Officer shall strive to present the training
6 in small group settings and employ best practices to maximize attendance
7 at in-person trainings.

8 “(b) Of the trainings described in subsection (1) of this section, at least
9 one training session annually shall be on basic requirements under legisla-
10 tive branch personnel rules and at least one training session annually shall
11 be an in-depth focus on one of the following topics:

12 “(A) Conduct that constitutes harassment under legislative branch per-
13 sonnel rules or other law;

14 “(B) Specific guidance addressing subtle forms of discrimination and
15 harassment that become unlawful because of the pervasiveness of the con-
16 duct;

17 “(C) Available methods of reporting harassment;

18 “(D) Supervisor obligations to report harassment;

19 “(E) The authority every individual has to withdraw consent to intimate
20 conduct and the challenges associated with consensual relationships in the
21 workplace;

22 “(F) Examples of positive workplace behaviors and constructive working
23 relationships;

24 “(G) Skills necessary for individuals to become active bystanders who
25 promote culture change and oppose harassing behavior they observe in the
26 workplace;

27 “(H) Methods for discouraging behavior that does not promote a produc-
28 tive and inclusive work environment; or

29 “(I) The human impact and harm to the work environment that
30 harassment causes.

1 “(5) The Legislative Equity Officer may contract with other persons or
2 entities with experience performing harassment avoidance and respectful
3 workplace training for the performance of the training described in this
4 section.

5 “(6) The Legislative Equity Officer shall employ best practices in:

6 “(a) Developing training content described in this section and delivery
7 methodologies for the training content; and

8 “(b) Writing and publishing written guidance on Legislative Branch Rules
9 and policies relating to:

10 “(A) Promoting a respectful and inclusive workplace;

11 “(B) Reporting or filing complaints about harassing, discriminatory or
12 retaliatory behavior, or other behavior prohibited by branch rules or policies;
13 and

14 “(C) Understanding options available to those who are experiencing be-
15 havior prohibited by branch rules or policies.

16 “(7) The Legislative Equity Officer shall consult with the Legislative
17 Administrator and the committee described in section 11 (2) of this 2019 Act
18 in the development of respectful workplace training.

19 **“SECTION 10. The amendments to section 7 of this 2019 Act by
20 section 9 of this 2019 Act become operative on January 1, 2021.**

21 **“SECTION 11. (1) The Legislative Equity Officer shall regularly
22 conduct culture and climate surveys of legislators, legislative staff,
23 lobbyists and others who regularly interact with the legislative branch
24 to ascertain the alignment between stated legislative branch policies
25 and goals relating to workplace culture and standards of behavior, and
26 actual beliefs and experiences of those who work in the legislative
27 branch or regularly interact with the legislative branch. The officer
28 shall make the results of culture and climate surveys publicly avail-
29 able.**

30 **“(2) If a diversity, equity and inclusion committee composed of**

1 members of the Legislative Assembly and partisan and nonpartisan
2 staff of the legislative branch exists at the time of consultation, the
3 Legislative Equity Officer shall consult with the committee on culture
4 and climate surveys, training, building policies and practices that may
5 affect legislative branch employees.

6 “(3) The Legislative Equity Officer may contract with other persons
7 or entities with experience conducting culture and climate surveys to
8 conduct the surveys described in subsection (1) of this section.

9 “(4) The Legislative Equity Officer may collaborate with the Legis-
10 lative Administrator to provide training, coaching and the production
11 of materials intended to improve State Capitol culture and on matters
12 other than workplace harassment.

13 **“SECTION 12. (1) The Legislative Equity Officer shall be available**
14 **to receive information from any individual about harassing behavior**
15 **occurring in the State Capitol or involving legislators, legislative staff,**
16 **lobbyists or others who are present in the State Capitol or who engage**
17 **with legislators, legislative staff or lobbyists, whether in the State**
18 **Capitol or elsewhere.**

19 “(2) The Legislative Equity Officer shall provide confidential process
20 counseling to individuals who believe they have experienced or ob-
21 served harassment, including but not limited to:

22 “(a) Providing information on legislative branch personnel rules,
23 policies and reporting processes; and

24 “(b) Providing information on the extent to which information may
25 be kept confidential or may be subject to disclosure.

26 “(3) The Legislative Equity Officer may not engage in any investi-
27 gation following a report or complaint alleging harassment or follow-
28 ing any consultation described in subsection (1) or (2) of this section.

29 “(4) The Legislative Equity Officer may not share any information
30 acquired during a disclosure or consultation made confidential by leg-

1 islative rule with an independent investigator performing services un-
2 der section 6 of this 2019 Act, except that nonpersonally identifiable
3 information may be disclosed to facilitate the taking of any action that
4 is consistent with legislative rules and with the principles of the Due
5 Process Clause of the United States Constitution.

6 **“SECTION 13. (1) The Legislative Equity Officer shall establish and**
7 **maintain a Capitol Leadership Team, consisting of legislators, legisla-**
8 **tive staff, lobbyists, executive and judicial branch staff who regularly**
9 **interact with the legislative branch, employees of contractors who**
10 **regularly interact with the legislative branch, and interested members**
11 **of the public, who have an interest in promoting a productive and in-**
12 **clusive environment in the State Capitol and at functions and events**
13 **outside of the State Capitol at which legislators, staff, lobbyists and**
14 **others interact. The officer shall give preference to interested indi-**
15 **viduals who wish to serve on the team and who also have had experi-**
16 **ence working on issues related to diversity, equity and inclusion.**

17 **“(2) The Legislative Administrator shall provide members of the**
18 **Capitol Leadership Team with advanced respectful workplace training,**
19 **with an emphasis on implementing cultural change in the workplace.**

20 **“(3) Capitol Leadership Team members shall serve as mentors and**
21 **informal resources of information for others who are interested in**
22 **promoting a more respectful workplace or who are facing challenges**
23 **in the workplace.**

24 **“(4) The Capitol Leadership Team shall identify additional services**
25 **or additional training needs and shall report those identified additional**
26 **services or training needs to the Legislative Equity Officer and to the**
27 **Joint Committee on Conduct.**

28 **“SECTION 14. (1) At the direction of the Joint Committee on Con-**
29 **duct, the Legislative Equity Officer shall contract with one or more**
30 **offsite process counselors to perform the duties described in section**

1 15 of this 2019 Act or such other duties as are assigned by legislative
2 rule or by the committee.

3 “(2) The committee shall establish minimum qualifications for an
4 offsite process counselor and may establish other criteria for the se-
5 lection of an offsite process counselor, including criteria by which a
6 request for proposals may be evaluated or by which external experts
7 may be invited to advise the committee on the selection of an offsite
8 process counselor.

9 **“SECTION 15. (1) An offsite process counselor under contract with**
10 **the Legislative Equity Officer under section 14 of this 2019 Act shall**
11 **be available to receive information from any individual about harass-**
12 **ing behavior occurring in the State Capitol or involving legislators,**
13 **legislative staff, lobbyists or others who are present in the State Cap-**
14 **itol or who engage with legislators, legislative staff or lobbyists,**
15 **whether in the State Capitol or elsewhere.**

16 “(2) The offsite process counselor shall provide confidential process
17 counseling to individuals who believe they have experienced or ob-
18 served harassment, including but not limited to:

19 “(a) Providing information on legislative branch personnel rules,
20 policies and reporting processes; and

21 “(b) Providing information on the extent to which information may
22 be kept confidential or may be subject to disclosure.

23 “(3) The offsite process counselor may not engage in any investi-
24 gation following a report or complaint alleging harassment or follow-
25 ing any consultation described in subsection (1) or (2) of this section.

26 “(4) The offsite process counselor may not share any information
27 acquired during a consultation described in subsection (1) or (2) of this
28 section with the independent investigator performing services under
29 section 6 of this 2019 Act and legislative branch personnel rules, except
30 that nonpersonally identifiable information may be disclosed to facili-

1 tate the taking of any action that is consistent with legislative rules
2 and with the principles of the Due Process Clause of the United States
3 Constitution.

4 “(5) Upon request of a person making a disclosure, report or com-
5 plaint to the Legislative Equity Officer, the offsite process counselor
6 may be present when the disclosure, report or complaint is made.

7 “SECTION 16. Section 17 of this 2019 Act is added to and made a
8 part of ORS 40.225 to 40.295.

9 “SECTION 17. (1) As used in this section:

10 “(a) ‘Confidential communication’ means a communication between
11 an offsite process counselor and an individual reporting information
12 or seeking consultative services from the offsite process counselor.

13 “(b) ‘Harassment’ has the meaning given that term in legislative
14 branch personnel rules that establish a standard of conduct that ap-
15 plies to legislators, legislative staff or executive or judicial branch
16 staff that regularly are present in the State Capitol or regularly
17 interact with the legislative branch, lobbyists who are required to be
18 registered under ORS 171.740, or contractors, including employees of
19 contractors, who regularly perform services in the State Capitol.
20 ‘Harassment’ includes conduct that constitutes sexual harassment or
21 retaliation as those terms are used in the legislative branch personnel
22 rules that address harassment. ‘Harassment’ includes discrimination
23 in a place of public accommodation.

24 “(c) ‘Legislative branch’ means the legislative department, as de-
25 fined in ORS 174.114.

26 “(d) ‘Offsite process counselor’ means an offsite process counselor
27 who meets the qualifications established under section 14 (2) of this
28 2019 Act, who performs services under section 15 of this 2019 Act and
29 who has completed at least 40 hours of training in advocacy for victims
30 of domestic violence, sexual assault, stalking or workplace

1 harassment, including harassment based on race, gender or disability,
2 that has been approved by the Attorney General by rule.

3 “(2) A person who reports information to an offsite process coun-
4 selor that concerns harassment that the person has experienced or
5 witnessed has a privilege to refuse to disclose and to prevent any other
6 person from disclosing:

7 “(a) Confidential communication made by the person to or received
8 by the person from the offsite process counselor; and

9 “(b) Records that are created or maintained by the offsite process
10 counselor in the course of the person reporting information that con-
11 cerns harassment in the State Capitol.

12 “(3) A person who consults with an offsite process counselor for the
13 purpose of understanding what options are available for reporting
14 harassment or filing a harassment complaint has a privilege to refuse
15 to disclose and to prevent any other person from disclosing:

16 “(a) Confidential communication made by the person to or received
17 by the person from the offsite process counselor; and

18 “(b) Records that are created or maintained by the offsite process
19 counselor in the course of providing counsel or services to the person.

20 “(4) This section does not prohibit the disclosure of:

21 “(a) Any information if the offsite process counselor reasonably
22 believes that the disclosure is necessary to prevent immediate physical
23 harm or other harm described in ORS 40.252; or

24 “(b) Nonpersonally identifying data.

25 “(5) This section applies to civil, criminal and administrative pro-
26 ceedings and to legislative branch disciplinary proceedings.

27 **“SECTION 18.** ORS 40.252 is amended to read:

28 “40.252. (1) In addition to any other limitations on privilege that may be
29 imposed by law, there is no privilege under ORS 40.225, 40.230, 40.250 or
30 40.264 or section 17 of this 2019 Act for communications if:

1 “(a) In the professional judgment of the person receiving the communi-
2 cations, the communications reveal that the declarant has a clear and seri-
3 ous intent at the time the communications are made to subsequently commit
4 a crime involving physical injury, a threat to the physical safety of any
5 person, sexual abuse or death or involving an act described in ORS 167.322;

6 “(b) In the professional judgment of the person receiving the communi-
7 cations, the declarant poses a danger of committing the crime; and

8 “(c) The person receiving the communications makes a report to another
9 person based on the communications.

10 “(2) The provisions of this section do not create a duty to report any
11 communication to any person.

12 “(3) A person who discloses a communication described in subsection (1)
13 of this section, or fails to disclose a communication described in subsection
14 (1) of this section, is not liable to any other person in a civil action for any
15 damage or injury arising out of the disclosure or failure to disclose.

16 **“SECTION 19. Records and information of the Legislative Equity**
17 **Officer appointed in section 1 of this 2019 Act that relate to disclo-**
18 **tures, reports or other allegations made to the equity officer or that**
19 **relate to investigations, reports or counseling undertaken by the eq-**
20 **uity officer or by an independent investigator or offsite process coun-**
21 **selor at the request or direction of the equity officer are exempt from**
22 **required disclosure under ORS 192.311 to 192.478, except that:**

23 **“(1) A conduct complaint made under legislative branch personnel**
24 **rules is disclosable when requested;**

25 **“(2) Records relating to an investigation of a member of the Legis-**
26 **lative Assembly following a conduct complaint being made concerning**
27 **the member are subject to disclosure after the fact-finding investi-**
28 **gation has concluded, even if a legislative committee has not yet met**
29 **or deliberated on the investigation’s findings; and**

30 **“(3) Records relating to an investigation of allegations of conduct**

1 **prohibited by legislative branch personnel rules and not described in**
2 **subsection (1) or (2) of this section are subject to disclosure upon a**
3 **determination being made that the person who was the subject of the**
4 **investigation is subject to remedial measures or discipline.**

5 **“SECTION 20.** ORS 171.415 is amended to read:

6 “171.415. (1) Except as provided in subsections (2) and (3) of this section,
7 a committee or employee of the Legislative Assembly having possession of
8 legislative records that are not required for the regular performance of offi-
9 cial duties shall, within 10 days after the adjournment sine die of a regular
10 or special session, deliver all such legislative records to the Legislative Ad-
11 ministration Committee.

12 “(2) The chairperson, member or employee of a legislative interim com-
13 mittee responsible for maintaining the legislative records of that committee
14 shall, within 10 days after the committee ceases to function or before Janu-
15 ary 1 next preceding the beginning of an odd-numbered year regular session
16 of the Legislative Assembly, whichever is earlier, deliver all such legislative
17 records to the Legislative Administration Committee.

18 “(3) This section does not apply to the records of the Emergency Board,
19 the Legislative Administration Committee, the Legislative Counsel Commit-
20 tee, the Legislative Policy and Research Committee, **the Joint Committee**
21 **on Conduct and the Legislative Equity Officer** or the Joint Committee
22 on Ways and Means.

23 **“SECTION 21.** ORS 244.050 is amended to read:

24 “244.050. (1) On or before April 15 of each year the following persons shall
25 file with the Oregon Government Ethics Commission a verified statement of
26 economic interest as required under this chapter:

27 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,
28 Commissioner of the Bureau of Labor and Industries, district attorneys and
29 members of the Legislative Assembly.

30 “(b) Any judicial officer, including justices of the peace and municipal

1 judges, except any pro tem judicial officer who does not otherwise serve as
2 a judicial officer.

3 “(c) Any candidate for a public office designated in paragraph (a) or (b)
4 of this subsection.

5 “(d) The Deputy Attorney General.

6 “(e) The Deputy Secretary of State.

7 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
8 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
9 tary of the Senate, [*and*] the Chief Clerk of the House of Representatives
10 **and the Legislative Equity Officer.**

11 “(g) The president and vice presidents, or their administrative equiv-
12 alents, in each public university listed in ORS 352.002.

13 “(h) The following state officers:

14 “(A) Adjutant General.

15 “(B) Director of Agriculture.

16 “(C) Manager of State Accident Insurance Fund Corporation.

17 “(D) Water Resources Director.

18 “(E) Director of Department of Environmental Quality.

19 “(F) Director of Oregon Department of Administrative Services.

20 “(G) State Fish and Wildlife Director.

21 “(H) State Forester.

22 “(I) State Geologist.

23 “(J) Director of Human Services.

24 “(K) Director of the Department of Consumer and Business Services.

25 “(L) Director of the Department of State Lands.

26 “(M) State Librarian.

27 “(N) Administrator of Oregon Liquor Control Commission.

28 “(O) Superintendent of State Police.

29 “(P) Director of the Public Employees Retirement System.

30 “(Q) Director of Department of Revenue.

1 “(R) Director of Transportation.
2 “(S) Public Utility Commissioner.
3 “(T) Director of Veterans’ Affairs.
4 “(U) Executive director of Oregon Government Ethics Commission.
5 “(V) Director of the State Department of Energy.
6 “(W) Director and each assistant director of the Oregon State Lottery.
7 “(X) Director of the Department of Corrections.
8 “(Y) Director of the Oregon Department of Aviation.
9 “(Z) Executive director of the Oregon Criminal Justice Commission.
10 “(AA) Director of the Oregon Business Development Department.
11 “(BB) Director of the Office of Emergency Management.
12 “(CC) Director of the Employment Department.
13 “(DD) Chief of staff for the Governor.
14 “(EE) Director of the Housing and Community Services Department.
15 “(FF) State Court Administrator.
16 “(GG) Director of the Department of Land Conservation and Development.
17 “(HH) Board chairperson of the Land Use Board of Appeals.
18 “(II) State Marine Director.
19 “(JJ) Executive director of the Oregon Racing Commission.
20 “(KK) State Parks and Recreation Director.
21 “(LL) Public defense services executive director.
22 “(MM) Chairperson of the Public Employees’ Benefit Board.
23 “(NN) Director of the Department of Public Safety Standards and Train-
24 ing.
25 “(OO) Executive director of the Higher Education Coordinating Commis-
26 sion.
27 “(PP) Executive director of the Oregon Watershed Enhancement Board.
28 “(QQ) Director of the Oregon Youth Authority.
29 “(RR) Director of the Oregon Health Authority.
30 “(SS) Deputy Superintendent of Public Instruction.

1 “(i) The First Partner, the legal counsel, the deputy legal counsel and all
2 policy advisors within the Governor’s office.

3 “(j) Every elected city or county official.

4 “(k) Every member of a city or county planning, zoning or development
5 commission.

6 “(L) The chief executive officer of a city or county who performs the du-
7 ties of manager or principal administrator of the city or county.

8 “(m) Members of local government boundary commissions formed under
9 ORS 199.410 to 199.519.

10 “(n) Every member of a governing body of a metropolitan service district
11 and the auditor and executive officer thereof.

12 “(o) Each member of the board of directors of the State Accident Insur-
13 ance Fund Corporation.

14 “(p) The chief administrative officer and the financial officer of each
15 common and union high school district, education service district and com-
16 munity college district.

17 “(q) Every member of the following state boards and commissions:

18 “(A) Governing board of the State Department of Geology and Mineral
19 Industries.

20 “(B) Oregon Business Development Commission.

21 “(C) State Board of Education.

22 “(D) Environmental Quality Commission.

23 “(E) Fish and Wildlife Commission of the State of Oregon.

24 “(F) State Board of Forestry.

25 “(G) Oregon Government Ethics Commission.

26 “(H) Oregon Health Policy Board.

27 “(I) Oregon Investment Council.

28 “(J) Land Conservation and Development Commission.

29 “(K) Oregon Liquor Control Commission.

30 “(L) Oregon Short Term Fund Board.

- 1 “(M) State Marine Board.
- 2 “(N) Mass transit district boards.
- 3 “(O) Energy Facility Siting Council.
- 4 “(P) Board of Commissioners of the Port of Portland.
- 5 “(Q) Employment Relations Board.
- 6 “(R) Public Employees Retirement Board.
- 7 “(S) Oregon Racing Commission.
- 8 “(T) Oregon Transportation Commission.
- 9 “(U) Water Resources Commission.
- 10 “(V) Workers’ Compensation Board.
- 11 “(W) Oregon Facilities Authority.
- 12 “(X) Oregon State Lottery Commission.
- 13 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-
14 cil.
- 15 “(Z) Columbia River Gorge Commission.
- 16 “(AA) Oregon Health and Science University Board of Directors.
- 17 “(BB) Capitol Planning Commission.
- 18 “(CC) Higher Education Coordinating Commission.
- 19 “(DD) Oregon Growth Board.
- 20 “(EE) Early Learning Council.
- 21 “(r) The following officers of the State Treasurer:
- 22 “(A) Deputy State Treasurer.
- 23 “(B) Chief of staff for the office of the State Treasurer.
- 24 “(C) Director of the Investment Division.
- 25 “(s) Every member of the board of commissioners of a port governed by
26 ORS 777.005 to 777.725 or 777.915 to 777.953.
- 27 “(t) Every member of the board of directors of an authority created under
28 ORS 441.525 to 441.595.
- 29 “(u) Every member of a governing board of a public university listed in
30 ORS 352.002.

1 “(v) Every member of the board of directors of an authority created under
2 ORS 465.600 to 465.621.

3 “(2) By April 15 next after the date an appointment takes effect, every
4 appointed public official on a board or commission listed in subsection (1)
5 of this section shall file with the Oregon Government Ethics Commission a
6 statement of economic interest as required under ORS 244.060, 244.070 and
7 244.090.

8 “(3) By April 15 next after the filing deadline for the primary election,
9 each candidate described in subsection (1) of this section shall file with the
10 commission a statement of economic interest as required under ORS 244.060,
11 244.070 and 244.090.

12 “(4) Not later than the 40th day before the date of the statewide general
13 election, each candidate described in subsection (1) of this section who will
14 appear on the statewide general election ballot and who was not required to
15 file a statement of economic interest under subsections (1) to (3) of this
16 section shall file with the commission a statement of economic interest as
17 required under ORS 244.060, 244.070 and 244.090.

18 “(5) Subsections (1) to (3) of this section apply only to persons who are
19 incumbent, elected or appointed public officials as of April 15 and to persons
20 who are candidates on April 15.

21 “(6) If a statement required to be filed under this section has not been
22 received by the commission within five days after the date the statement is
23 due, the commission shall notify the public official or candidate and give the
24 public official or candidate not less than 15 days to comply with the re-
25 quirements of this section. If the public official or candidate fails to comply
26 by the date set by the commission, the commission may impose a civil pen-
27 alty as provided in ORS 244.350.

28 **“SECTION 22. Section 23 of this 2019 Act is added to and made a**
29 **part of ORS 171.725 to 171.785.**

30 **“SECTION 23. (1) A lobbyist registered with the Oregon Govern-**

1 **ment Ethics Commission or required to register with the commission**
2 **shall annually attend at least two hours of training described in sec-**
3 **tion 7 of this 2019 Act.**

4 **“(2) A lobbyist registered with the commission or required to reg-**
5 **ister with the commission shall certify attendance at two hours of**
6 **training described in section 7 of this 2019 Act, including attendance**
7 **at online training authorized under section 7 of this 2019 Act, on**
8 **statements the lobbyist files under ORS 171.745.**

9 **“(3) On or before February 1 of each year, the commission shall**
10 **submit a report to the Legislative Equity Officer that lists for each**
11 **lobbyist the date the lobbyist registered under ORS 171.740 and the**
12 **dates and duration of training that the lobbyist attended or completed**
13 **for the prior calendar year.**

14 **“(4) The commission may adopt rules to implement lobbyist train-**
15 **ing reporting requirements.**

16 **“SECTION 24. The Joint Committee on Conduct established under**
17 **section 1 of this 2019 Act may adopt policies that establish content and**
18 **duration requirements for training sessions described in section 23 of**
19 **this 2019 Act.**

20 **“SECTION 25. ORS 171.740 is amended to read:**

21 **“171.740. (1) Within three business days after exceeding the limit of time**
22 **or expenditure specified in ORS 171.735 (4), or within three business days**
23 **after agreeing to provide personal services for money or any other consider-**
24 **ation for the purpose of lobbying, a lobbyist shall register with the Oregon**
25 **Government Ethics Commission by filing with the commission a statement**
26 **containing the following information:**

27 **“(a) The name, address, electronic mail address and telephone number of**
28 **the lobbyist.**

29 **“(b) The name, address, electronic mail address and telephone number of**
30 **each person that employs the lobbyist or in whose interest the lobbyist ap-**

1 pears or works.

2 “(c) A general description of the trade, business, profession or area of
3 endeavor of any person designated under paragraph (b) of this subsection,
4 and a statement by the person that the lobbyist is officially authorized to
5 lobby for the person.

6 “(d) The name of any member of the Legislative Assembly employed, re-
7 tained or otherwise compensated by:

8 “(A) The lobbyist designated under paragraph (a) of this subsection; or

9 “(B) A person designated under paragraph (b) of this subsection.

10 “(e) The general subject or subjects of the legislative action of interest
11 to the person for whom the lobbyist is registered.

12 **“(f) A commitment by the lobbyist to comply with the training re-
13 quirements of section 23 of this 2019 Act.**

14 “(2)(a) Not later than 10 calendar days after a lobbyist files a registration
15 statement under this section, the designation of official authorization to
16 lobby shall be signed by an official of each person that employs the lobbyist
17 or in whose interest the lobbyist appears or works.

18 “(b) A lobbyist may unilaterally withdraw a registration statement filed
19 under this section not more than one time per calendar year for each person
20 designated under subsection (1)(b) of this section if the withdrawal is made:

21 “(A) Before the designation of official authorization to lobby has been
22 signed in the manner required under paragraph (a) of this subsection; and

23 “(B) No more than 10 calendar days after the lobbyist filed the registra-
24 tion statement.

25 “(3) A lobbyist must file a separate registration statement under sub-
26 section (1) of this section for each person that employs the lobbyist or in
27 whose interest the lobbyist appears or works. If a lobbyist appears or works
28 for a person for whom the lobbyist has not registered, the lobbyist shall
29 register with the commission not later than three business days after the day
30 the lobbyist first appears or works for the person.

1 “(4)(a) Except as provided in paragraph (b) of this subsection, if any of
2 the information submitted by a lobbyist in the statement required under
3 subsection (1) of this section changes, the lobbyist shall revise the statement
4 within 30 days of the change.

5 “(b) A lobbyist shall notify the commission within three business days if
6 the lobbyist ceases to represent a person for whom the lobbyist is registered.
7 Notification must be made by updating the registration statement required
8 under subsection (1) of this section.

9 “(5) A lobbyist registration expires December 31 of each odd-numbered
10 year. If a lobbyist renews the registration before January 31 of the following
11 even-numbered year, the commission shall consider the registration to have
12 been effective as of December 31 of the odd-numbered year on which the
13 registration expired.

14 “(6) For the statement required by subsection (1) of this section, an entity
15 composed of more than one lobbyist may file one statement for the lobbyists
16 who compose the entity. The statement the entity files must include the
17 names of the individuals authorized to lobby on behalf of the client listed in
18 the statement.

19 **“SECTION 26.** ORS 171.745 is amended to read:

20 “171.745. (1) A lobbyist registered with the Oregon Government Ethics
21 Commission or required to register with the commission shall, according to
22 the schedule described in ORS 171.752, file with the commission a statement
23 showing for the applicable reporting period:

24 “(a) The total amount of all moneys expended for food, refreshments and
25 entertainment by the lobbyist for the purpose of lobbying.

26 “(b) The name of any legislative official or executive official to whom or
27 for whose benefit, on any one occasion, an expenditure is made for the pur-
28 poses of lobbying, and the date, name of payee, purpose and amount of that
29 expenditure. This paragraph applies if the total amount expended on the oc-
30 casion by one or more persons exceeds \$50.

1 “(c) **Certification of the date, location and duration of any training**
2 **described in section 23 of this 2019 Act that the lobbyist attended or**
3 **completed.**

4 “(2) Statements required by this section need not include amounts ex-
5 pended by the lobbyist for personal living and travel expenses and office
6 overhead, including salaries and wages paid for staff and secretarial assist-
7 ance, and maintenance expenses.

8 “(3) If the amount of any expenditure required to be included in a state-
9 ment is not accurately known at the time the statement is required to be
10 filed, an estimate of the expenditure shall be submitted in the statement and
11 designated as an estimate. The exact amount expended for which a previous
12 estimate was made shall be submitted in a subsequent report when the in-
13 formation is available.

14 “(4) A statement required by this section shall include a copy of any no-
15 tice provided to a public official or candidate under ORS 244.100.

16 “**SECTION 27. Section 23 of this 2019 Act and the amendments to**
17 **ORS 171.740 and 171.745 by sections 25 and 26 of this 2019 Act become**
18 **operative on January 1, 2021.**

19 “**SECTION 28. This 2019 Act being necessary for the immediate**
20 **preservation of the public peace, health and safety, an emergency is**
21 **declared to exist, and this 2019 Act takes effect on its passage.”.**

22
