

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 168

By COMMITTEE ON RULES

May 19

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 26 and delete pages 2 and 3
2 and insert:

3 “**SECTION 1.** ORS 260.432 is amended to read:

4 “260.432. (1) [No] A person [shall] **may not** attempt to, or actually, coerce, command or require
5 a public employee to:

6 “(a) Influence or give money, service or other thing of value to promote or oppose any political
7 committee [or to];

8 “(b) Promote or oppose the **appointment**, nomination or election of a [candidate,] **person to a**
9 **public office;**

10 “(c) **Promote or oppose the filing of an initiative, referendum or recall petition;**

11 “(d) **Promote or oppose** the gathering of signatures on an initiative, referendum or recall
12 petition[,]; **or**

13 “(e) **Promote or oppose** the adoption of a measure or the recall of a public office holder.

14 “(2) [No] A public employee [shall] **may not engage in any of the following activities while**
15 **on the job during working hours or while otherwise acting in the public employee’s official**
16 **capacity:**

17 “(a) Solicit any money, influence, service or other thing of value or otherwise promote or oppose
18 any political committee [or];

19 “(b) Promote or oppose the **appointment**, nomination or election of a [candidate, the] **person**
20 **to a public office;**

21 “(c) **Promote or oppose the filing of an initiative, referendum or recall petition;**

22 “(d) **Promote or oppose the** gathering of signatures on an initiative, referendum or recall
23 petition[,]; **or**

24 “(e) **Promote or oppose** the adoption of a measure or the recall of a public office holder [*while*
25 *on the job during working hours*].

26 “(3) [*However,*] This section does not restrict:

27 “(a) The right of a public employee to express personal political views, **provided that a rea-**
28 **sonable person would not infer that the personal political views of the public employee rep-**
29 **resent the views of the public employer of the public employee; or**

30 “(b) A public employee from communicating with a separate public employee or elected
31 **official about the appointment of a person to a public office, provided that the communi-**
32 **cation is made in furtherance of the recipient’s official duties relating to an appointment**
33 **required by the Oregon Constitution or a state statute.**

34 “[3] (4) Each public employer shall have posted in a conspicuous place likely to be seen by its
35 employees the following notice in printed or typewritten form:

1 “

2
3 ATTENTION ALL PUBLIC EMPLOYEES:

4 The restrictions imposed by the law of the State of Oregon on your political activities are that
5 “No public employee shall solicit any money, influence, service or other thing of value or otherwise
6 promote or oppose any political committee; [or] promote or oppose the **appointment**, nomination
7 or election of a [candidate,] **person to a public office; or promote or oppose the filing of or**
8 [the] gathering of signatures on an initiative, referendum or recall petition[,] **or the adoption of a**
9 **measure or the recall of a public office holder while on the job during working hours or while**
10 **otherwise acting in the public employee’s official capacity as a public employee.** However, this
11 section does not restrict the right of a public employee to express personal political views, **provided**
12 **that a reasonable person would not infer that the views represent those of the public em-**
13 **ployer of the public employee.”**

14 It is therefore the policy of the state and of your public employer that you may engage in poli-
15 tical activity except to the extent prohibited by state law when on the job during working hours
16 **or while otherwise working in your official capacity as a public employee.**

17 “

18
19 “[4)(a)] (5)(a) Notwithstanding subsections (1) and (2) of this section:

20 “(A) The recognized student government of a community college or public university listed in
21 ORS 352.002, or a member of the recognized student government while acting as a member, may
22 make a statement or issue a resolution to promote or oppose:

23 “(i) The gathering of signatures on an initiative or referendum petition; or

24 “(ii) The adoption of a measure.

25 “(B) A member of the board of education of a community college district, a member of the gov-
26 erning board, as defined in ORS 352.029, of a public university or an employee of a community col-
27 lege or public university may take any action as a public employee that is necessary to allow the
28 recognized student government, or member of the recognized student government, to engage in ac-
29 tivities described in subparagraph (A) of this paragraph.

30 “(b) Except for facilitating the actions described in paragraph (a) of this subsection, the recog-
31 nized student government of a community college or public university, or a member of the recog-
32 nized student government while acting as a member, may not use mandatory student-initiated fees,
33 mandatory enrollment fees, mandatory incidental fees or any public moneys to promote or oppose
34 any political committee or promote or oppose the **appointment**, nomination or election of a [candi-
35 date] **person to a public office**, the **filing of or the** gathering of signatures on an initiative, refer-
36 endum or recall petition, the adoption of a measure or the recall of a public office holder.

37 “[5)] (6) Nothing in this section prohibits an employee of the legislative branch from explaining
38 the vote of a member of the Legislative Assembly on:

39 “(a) An Act that has been referred to the people by law or petition under Article IV, section 1
40 (3), of the Oregon Constitution;

41 “(b) An Act for which a prospective referendum petition has been filed under ORS 250.045; or

42 “(c) A constitutional amendment or revision proposed under Article XVII, section 1 or 2, of the
43 Oregon Constitution.

44 “[6)] (7) As used in this section:

45 “(a) ‘Public employee’ does not include an elected official or a person appointed as a director

1 to the board of a pilot education service district under ORS 334.108.

2 “(b) ‘Public employer’ includes any board, commission, committee, department, division or insti-
3 tution in the executive, administrative, legislative or judicial branch of state government, and any
4 county, city, district or other municipal corporation or public corporation organized for a public
5 purpose, including a cooperative body formed between municipal or public corporations.

6 “(c) **‘While on the job during working hours’ does not include periods of time during**
7 **which a public employee is taking time off for a meal break or rest break or periods of time**
8 **during which a public employee is utilizing otherwise allowable time off in accordance with**
9 **the labor laws of this state.”.**

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