

B-Engrossed
House Bill 3377

Ordered by the House June 11
Including House Amendments dated May 6 and June 11

Sponsored by JOINT COMMITTEE ON CAPITOL CULTURE

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.

Establishes Joint Committee on Conduct as joint committee of Legislative Assembly. Establishes Legislative Equity Office as independent nonpartisan office of Legislative Assembly and directs Legislative Assembly to, by concurrent resolution, appoint Legislative Equity Officer to serve as executive officer of Legislative Equity Office.

Directs Joint Committee on Conduct to establish standards and criteria for individuals unaffiliated with legislative branch to perform services as independent investigator, and directs Legislative Equity Officer to select independent investigator, to conduct investigations of conduct asserted to violate standards of harassment, discrimination or retaliation prescribed by legislative branch personnel rules.

Requires Legislative Equity Officer to conduct at least two hours of respectful workplace training each calendar quarter. Specifies topics of training. Requires legislators and legislative staff, interns and volunteers to attend training annually. Requires registered lobbyists to attend annual training, beginning in 2021. Directs lobbyists to certify training attendance to Oregon Government Ethics Commission and directs commission to report lobbyist training attendance to officer.

Directs Legislative Equity Officer to regularly conduct culture and climate surveys of legislators, legislative staff, lobbyists and others who regularly interact with legislative branch.

Requires Legislative Equity Officer to receive information from any individual about harassing behavior and to provide confidential process counseling to individuals who believe they have experienced or observed harassment.

Requires Legislative Equity Officer to establish and maintain Capitol Leadership Team to serve as mentors and resources for promoting more respectful workplace or to assist those facing challenges in workplace.

Directs Joint Committee on Conduct to establish minimum qualifications and criteria for offsite process counselors and directs Legislative Equity Officer to contract with offsite process counselors to receive information from individuals concerning harassing behavior and to provide confidential process counseling to individuals who believe they have experienced or observed harassment.

Establishes evidentiary privilege and exemption from public records disclosure for confidential communications and records created or maintained by offsite process counselor concerning harassment in State Capitol. Establishes public records exemption for records of independent investigator conducting harassment investigations, and for records of Legislative Equity Officer that relate to disclosures, reports or allegations made to officer. Limits scope and duration of exemption of independent investigator records.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the legislative branch; creating new provisions; amending ORS 40.252, 171.415, 171.740,
3 171.745 and 244.050; and declaring an emergency.

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

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

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

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

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) The committee may recruit, conduct interviews and make recommendations for the
2 appointment of the Legislative Equity Officer by the Legislative Assembly. The committee
3 shall consult with the Capitol Leadership Team established under section 13 of this 2019 Act
4 in the performance of the committee's duties under this section.

5 (5) Subject to the limitations otherwise provided by law for expenses of state officers, the
6 Legislative Equity Officer shall be reimbursed for actual and necessary expenses incurred
7 or paid by the officer in the performance of duties of the officer.

8 (6) The Legislative Equity Officer serves for a four-year term and is eligible for reap-
9 pointment to succeeding terms. An officer may be removed for cause by the committee upon
10 a finding by the committee that supports a for-cause removal of the officer.

11 (7) The committee shall:

12 (a) Receive from the Legislative Equity Officer annual reports described in section 5 of
13 this 2019 Act and any other reports the committee or officer determines are warranted;

14 (b) Provide office facilities for the officer that are sufficiently independent to ensure that
15 the officer operates independently of any other legislative branch organization, including but
16 not limited to authorizing the officer to maintain facilities that are located near but outside
17 of the State Capitol;

18 (c) Ensure that the officer possesses all possible indicia of independence from the other
19 parts of the legislative branch;

20 (d) Provide ongoing direction and oversight for continual updating of the training de-
21 scribed in section 7 of this 2019 Act;

22 (e) Develop and maintain a respectful workplace policy to be administered by the Legis-
23 lative Administrator and that is designed to address conduct that is inconsistent with a
24 respectful workplace in the State Capitol and that does not rise to the level of creating a
25 hostile work environment or violating public accommodation law;

26 (f) Provide policy direction and oversight to the officer; and

27 (g) Perform other duties as assigned by joint rules of the Legislative Assembly.

28 (8) The Joint Committee on Conduct shall be composed of those members of the Senate
29 Committee on Conduct formed to perform delegated and assigned functions described in Ar-
30 ticle IV, section 15, of the Oregon Constitution, for the Senate and the House Committee on
31 Conduct formed to perform delegated and assigned functions described in Article IV, section
32 15, of the Oregon Constitution, for the House of Representatives.

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

36 (10) Notwithstanding subsection (8) of this section, a member of the Joint Committee on
37 Conduct shall be recused from service on a committee on conduct performing functions un-
38 der Article IV, section 15, of the Oregon Constitution, if the facts and circumstances at issue
39 could impair the member's ability to act impartially and without bias. In the event of a
40 recusal, the appointing authority shall appoint an acting member until the functions per-
41 formed under Article IV, section 15, of the Oregon Constitution, have been resolved.

42 **SECTION 2.** (1) The Joint Committee on Conduct has a continuing existence and may
43 meet, act and conduct its business during the sessions of the Legislative Assembly or any
44 recess thereof, and in the interim period between sessions, but the committee has no au-
45 thority to affect the rules of either legislative chamber.

1 (2) The committee may not transact business unless a quorum is present. A quorum
2 consists of a majority of committee members from the House of Representatives and a ma-
3 jority of committee members from the Senate.

4 (3) Action by the committee requires the affirmative vote of a majority of committee
5 members from the House of Representatives and a majority of committee members from the
6 Senate.

7 **SECTION 3.** Notwithstanding sections 1 and 2 of this 2019 Act, if a vacancy occurs in the
8 position of the Legislative Equity Officer before the expiration of the term of the officer, the
9 Joint Committee on Conduct may select an acting replacement for the vacated officer. The
10 acting equity officer selected by the committee serves at the committee's pleasure until a
11 Legislative Equity Officer is appointed under section 1 of this 2019 Act.

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

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

19 (a) Prepare and present an annual report to the Joint Committee on Conduct. The annual
20 report shall include:

21 (A) A description of the activities of the officer since the last report;

22 (B) A detailed description of the training curricula and subjects addressed in the training
23 described in section 7 of this 2019 Act;

24 (C) Statistics that list the number of confidential disclosures, conduct reports and con-
25 duct complaints made under any applicable rule, policy or law addressing harassment, dis-
26 crimination and retaliation in the legislative branch and the number of investigations
27 conducted, except that statistics reported under this subparagraph may not disclose any
28 characteristics that would permit confidential identities to be determined or inferred;

29 (D) The results, or a summary of the results, of the most recent culture and climate
30 survey undertaken by the officer under section 11 of this 2019 Act; and

31 (E) Any other information required by the committee.

32 (b) Establish and maintain a Capitol Leadership Team to perform the duties described in
33 section 13 of this 2019 Act.

34 (2) The Legislative Equity Officer may employ and fix the compensation of such profes-
35 sional assistants and other employees as the officer deems necessary for the work under the
36 officer's charge.

37 (3) The Legislative Equity Officer may enter into contracts to carry out the functions
38 of the Legislative Equity Office.

39 **SECTION 6.** (1) Under the direction of the Joint Committee on Conduct, the Legislative
40 Equity Officer shall contract with one or more individuals who are unaffiliated with the leg-
41 islative branch and who meet the standards and criteria established by the committee for
42 performing services for the legislative branch as an independent investigator. An independ-
43 ent investigator shall:

44 (a) Receive complaints and reports alleging harassment or other conduct that is asserted
45 to violate standards of harassment, discrimination or retaliation prescribed by legislative

1 **branch personnel rules;**

2 **(b) Conduct investigations, determine facts, write investigative reports and report out-**
3 **comes of investigations to appointing authorities or other persons or entities identified in**
4 **legislative branch personnel rules or chamber rules as recipients of independent investigator**
5 **reports; and**

6 **(c) Make recommendations regarding interim safety measures to appointing authorities**
7 **or other persons or entities identified in legislative branch personnel rules or chamber rules**
8 **as recipients of independent investigator recommendations on interim safety measures.**

9 **(2) An independent investigator may not have access to confidential files and records of**
10 **the Legislative Equity Officer.**

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

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

14 **(b) Legislative branch procedures and rules for reporting or filing complaints to address**
15 **instances of harassment; and**

16 **(c) Free speech and free expression rights guaranteed under the Oregon and United**
17 **States Constitutions.**

18 **(2) The training described in subsection (1) of this section must be attended annually by**
19 **all legislators, legislative staff and legislative interns and volunteers. Employees of contrac-**
20 **tors who reasonably expect to be regularly present in the State Capitol must also attend the**
21 **training described in subsection (1) of this section. Lobbyists and executive branch and judi-**
22 **cial branch personnel who are regularly present in the State Capitol may be invited to attend**
23 **the training. The Legislative Equity Officer shall record attendance at the trainings and shall**
24 **make attendance records publicly available.**

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

28 **(b) The online training described in this subsection is intended to be a last-resort alter-**
29 **native to the in-person training described in subsection (1) of this section. An individual re-**
30 **quired to attend training under this section may substitute online training for in-person**
31 **attendance only once in any two-year period.**

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

34 **(b) Of the trainings described in subsection (1) of this section, at least one training ses-**
35 **sion annually shall be on basic requirements under legislative branch personnel rules and at**
36 **least one training session annually shall be an in-depth focus on one of the following topics:**

37 **(A) Conduct that constitutes harassment under legislative branch personnel rules or**
38 **other law;**

39 **(B) Specific guidance addressing subtle forms of discrimination and harassment that be-**
40 **come unlawful because of the pervasiveness of the conduct;**

41 **(C) Available methods of reporting harassment;**

42 **(D) Supervisor obligations to report harassment;**

43 **(E) The authority every individual has to withdraw consent to intimate conduct and the**
44 **challenges associated with consensual relationships in the workplace;**

45 **(F) Examples of positive workplace behaviors and constructive working relationships;**

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

3 (H) Methods for discouraging behavior that does not promote a productive and inclusive
4 work environment;

5 (I) The human impact and harm to the work environment that harassment causes; or

6 (J) Free speech and free expression rights guaranteed under the Oregon and United
7 States Constitutions.

8 (5) The Legislative Equity Officer may contract with other persons or entities with ex-
9 perience performing harassment avoidance and respectful workplace training for the per-
10 formance of the training described in this section.

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

12 (a) Developing training content described in this section and delivery methodologies for
13 the training content; and

14 (b) Writing and publishing written guidance on Legislative Branch Rules and policies re-
15 lating to:

16 (A) Promoting a respectful and inclusive workplace;

17 (B) Reporting or filing complaints about harassing, discriminatory or retaliatory behav-
18 ior, or other behavior prohibited by branch rules or policies; and

19 (C) Understanding options available to those who are experiencing behavior prohibited
20 by branch rules or policies.

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

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

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

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

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

30 (b) Legislative branch procedures and rules for reporting or filing complaints to address in-
31 stances of harassment; and

32 (c) Free speech and free expression rights guaranteed under the Oregon and United States
33 Constitutions.

34 (2) The training described in subsection (1) of this section must be attended annually by all
35 legislators, legislative staff, [and] legislative interns, [and] legislative volunteers and lobbyists who
36 are required to register with the Oregon Government Ethics Commission. Employees of con-
37 tractors who reasonably expect to be regularly present in the State Capitol must also attend the
38 training described in subsection (1) of this section. [Lobbyists and] Executive branch and judicial
39 branch personnel who are regularly present in the State Capitol may be invited to attend the
40 training. The Legislative Equity Officer shall record attendance at the trainings and shall make at-
41 tendance records publicly available.

42 (3)(a) The Legislative Equity Officer shall make the training described in subsection (1) of this
43 section available online. The officer shall maintain records of all persons who have taken online
44 training.

45 (b) The online training described in this subsection is intended to be a last-resort alternative to

1 the in-person training described in subsection (1) of this section. **Except for a registered lobbyist**
2 **whose principal office 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 any two-year period.

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

6 (b) Of the trainings described in subsection (1) of this section, at least one training session an-
7 nually shall be on basic requirements under legislative branch personnel rules and at least one
8 training session annually shall be an in-depth focus on one of the following topics:

9 (A) Conduct that constitutes harassment under legislative branch personnel rules or other law;

10 (B) Specific guidance addressing subtle forms of discrimination and harassment that become
11 unlawful because of the pervasiveness of the conduct;

12 (C) Available methods of reporting harassment;

13 (D) Supervisor obligations to report harassment;

14 (E) The authority every individual has to withdraw consent to intimate conduct and the chal-
15 lenges associated with consensual relationships in the workplace;

16 (F) Examples of positive workplace behaviors and constructive working relationships;

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

19 (H) Methods for discouraging behavior that does not promote a productive and inclusive work
20 environment;

21 (I) The human impact and harm to the work environment that harassment causes; or

22 (J) Free speech and free expression rights guaranteed under the Oregon and United States
23 Constitutions.

24 (5) The Legislative Equity Officer may contract with other persons or entities with experience
25 performing harassment avoidance and respectful workplace training for the performance of the
26 training described in this section.

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

28 (a) Developing training content described in this section and delivery methodologies for the
29 training content; and

30 (b) Writing and publishing written guidance on Legislative Branch Rules and policies relating
31 to:

32 (A) Promoting a respectful and inclusive workplace;

33 (B) Reporting or filing complaints about harassing, discriminatory or retaliatory behavior, or
34 other behavior prohibited by branch rules or policies; and

35 (C) Understanding options available to those who are experiencing behavior prohibited by
36 branch rules or policies.

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

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

42 **SECTION 11. (1) The Legislative Equity Officer shall regularly conduct culture and cli-**
43 **mate surveys of legislators, legislative staff, lobbyists and others who regularly interact with**
44 **the legislative branch to ascertain the alignment between stated legislative branch policies**
45 **and goals relating to workplace culture and standards of behavior, and actual beliefs and**

1 experiences of those who work in the legislative branch or regularly interact with the legis-
2 lative branch. The officer shall make the results of culture and climate surveys publicly
3 available.

4 (2) If a diversity, equity and inclusion committee composed of members of the Legislative
5 Assembly and partisan and nonpartisan staff of the legislative branch exists at the time of
6 consultation, the Legislative Equity Officer shall consult with the committee on culture and
7 climate surveys, training, building policies and practices that may affect legislative branch
8 employees.

9 (3) The Legislative Equity Officer may contract with other persons or entities with ex-
10 perience conducting culture and climate surveys to conduct the surveys described in sub-
11 section (1) of this section.

12 (4) The Legislative Equity Officer may collaborate with the Legislative Administrator to
13 provide training, coaching and the production of materials intended to improve State Capitol
14 culture and on matters other than workplace harassment.

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

20 (2) The Legislative Equity Officer shall provide confidential process counseling to indi-
21 viduals who believe they have experienced or observed harassment, including but not limited
22 to:

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

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

27 (3) If the Legislative Equity Officer receives information concerning conduct that is in-
28 consistent with a respectful workplace policy adopted by the Joint Committee on Conduct
29 but that does not rise to the level of creating a hostile work environment or violating public
30 accommodation law, the officer shall refer the reporter to the Legislative Administrator.

31 (4) The Legislative Equity Officer may not engage in any investigation following a report
32 or complaint alleging harassment or following any consultation described in subsection (1)
33 or (2) of this section.

34 (5) The Legislative Equity Officer may not share any information acquired during a dis-
35 closure or consultation made confidential by legislative rule with an independent investigator
36 performing services under section 6 of this 2019 Act, except that nonpersonally identifiable
37 information may be disclosed to facilitate the taking of any action that is consistent with
38 legislative rules and with the principles of the Due Process Clause of the United States
39 Constitution.

40 **SECTION 13.** (1) The Legislative Equity Officer shall establish and maintain a Capitol
41 Leadership Team, consisting of legislators, legislative staff, lobbyists, executive and judicial
42 branch staff who regularly interact with the legislative branch, employees of contractors who
43 regularly interact with the legislative branch, and interested members of the public, who
44 have an interest in promoting a productive and inclusive environment in the State Capitol
45 and at functions and events outside of the State Capitol at which legislators, staff, lobbyists

1 and others interact. The officer shall give preference to interested individuals who wish to
2 serve on the team and who also have had experience working on issues related to diversity,
3 equity and inclusion. Capitol Leadership Team members who are legislators or partisan leg-
4 islative staff shall be composed equally of those affiliated with the majority party and the
5 minority party, so that there are equal numbers of legislators from the majority party and
6 from the minority party and equal numbers of partisan staff team members from the ma-
7 jority party and from the minority party.

8 (2) The Legislative Administrator shall provide members of the Capitol Leadership Team
9 with advanced respectful workplace training, with an emphasis on implementing cultural
10 change in the workplace.

11 (3) Capitol Leadership Team members shall serve as mentors and informal resources of
12 information for others who are interested in promoting a more respectful workplace or who
13 are facing challenges in the workplace.

14 (4) The Capitol Leadership Team shall identify additional services or additional training
15 needs and shall report those identified additional services or training needs to the Legislative
16 Equity Officer and to the Joint Committee on Conduct.

17 SECTION 14. (1) At the direction of the Joint Committee on Conduct, the Legislative
18 Equity Officer shall contract with one or more offsite process counselors to perform the
19 duties described in section 15 of this 2019 Act or such other duties as are assigned by legis-
20 lative rule or by the committee.

21 (2) The committee shall establish minimum qualifications for an offsite process counselor
22 and may establish other criteria for the selection of an offsite process counselor, including
23 criteria by which a request for proposals may be evaluated or by which external experts may
24 be invited to advise the committee on the selection of an offsite process counselor.

25 SECTION 15. (1) An offsite process counselor under contract with the Legislative Equity
26 Officer under section 14 of this 2019 Act shall be available to receive information from any
27 individual about harassing behavior occurring in the State Capitol or involving legislators,
28 legislative staff, lobbyists or others who are present in the State Capitol or who engage with
29 legislators, legislative staff or lobbyists, whether in the State Capitol or elsewhere.

30 (2) The offsite process counselor shall provide confidential process counseling to individ-
31 uals who believe they have experienced or observed harassment, including but not limited to:

32 (a) Providing information on legislative branch personnel rules, policies and reporting
33 processes; and

34 (b) Providing information on the extent to which information may be kept confidential
35 or may be subject to disclosure.

36 (3) The offsite process counselor may not engage in any investigation following a report
37 or complaint alleging harassment or following any consultation described in subsection (1)
38 or (2) of this section.

39 (4) The offsite process counselor may not share any information acquired during a con-
40 sultation described in subsection (1) or (2) of this section with the independent investigator
41 performing services under section 6 of this 2019 Act and legislative branch personnel rules,
42 except that nonpersonally identifiable information may be disclosed to facilitate the taking
43 of any action that is consistent with legislative rules and with the principles of the Due
44 Process Clause of the United States Constitution.

45 (5) Upon request of a person making a disclosure, report or complaint to the Legislative

1 Equity Officer, the offsite process counselor may be present when the disclosure, report or
2 complaint is made.

3 **SECTION 16.** Section 17 of this 2019 Act is added to and made a part of ORS 40.225 to
4 40.295.

5 **SECTION 17.** (1) As used in this section:

6 (a) "Confidential communication" means a communication between an offsite process
7 counselor and an individual reporting information or seeking consultative services from the
8 offsite process counselor.

9 (b) "Harassment" has the meaning given that term in legislative branch personnel rules
10 that establish a standard of conduct that applies to legislators, legislative staff or executive
11 or judicial branch staff that regularly are present in the State Capitol or regularly interact
12 with the legislative branch, lobbyists who are required to be registered under ORS 171.740,
13 or contractors, including employees of contractors, who regularly perform services in the
14 State Capitol. "Harassment" includes conduct that constitutes sexual harassment or retali-
15 ation as those terms are used in the legislative branch personnel rules that address
16 harassment. "Harassment" includes discrimination in a place of public accommodation.

17 (c) "Legislative branch" means the legislative department, as defined in ORS 174.114.

18 (d) "Offsite process counselor" means an offsite process counselor who meets the quali-
19 fications established under section 14 (2) of this 2019 Act, who performs services under sec-
20 tion 15 of this 2019 Act and who has completed at least 40 hours of training in advocacy for
21 victims of domestic violence, sexual assault, stalking or workplace harassment, including
22 harassment based on race, gender or disability, that has been approved by the Attorney
23 General by rule.

24 (2) A person who reports information to an offsite process counselor that concerns
25 harassment that the person has experienced or witnessed has a privilege to refuse to disclose
26 and to prevent any other person from disclosing:

27 (a) Confidential communication made by the person to or received by the person from the
28 offsite process counselor; and

29 (b) Records that are created or maintained by the offsite process counselor in the course
30 of the person reporting information that concerns harassment in the State Capitol.

31 (3) A person who consults with an offsite process counselor for the purpose of under-
32 standing what options are available for reporting harassment or filing a harassment com-
33 plaint has a privilege to refuse to disclose and to prevent any other person from disclosing:

34 (a) Confidential communication made by the person to or received by the person from the
35 offsite process counselor; and

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

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

39 (a) Any information if the offsite process counselor reasonably believes that the disclo-
40 sure is necessary to prevent immediate physical harm or other harm described in ORS 40.252;
41 or

42 (b) Nonpersonally identifying data.

43 (5) This section applies to civil, criminal and administrative proceedings and to legislative
44 branch disciplinary proceedings.

45 **SECTION 18.** ORS 40.252 is amended to read:

1 40.252. (1) In addition to any other limitations on privilege that may be imposed by law, there
2 is no privilege under ORS 40.225, 40.230, 40.250 or 40.264 **or section 17 of this 2019 Act** for com-
3 munications if:

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

8 (b) In the professional judgment of the person receiving the communications, the declarant poses
9 a danger of committing the crime; and

10 (c) The person receiving the communications makes a report to another person based on the
11 communications.

12 (2) The provisions of this section do not create a duty to report any communication to any
13 person.

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

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

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

25 (2) **Records relating to an investigation of a member of the Legislative Assembly follow-**
26 **ing a conduct complaint being made concerning the member are subject to disclosure after**
27 **the fact-finding investigation has concluded, even if a legislative committee has not yet met**
28 **or deliberated on the investigation's findings; and**

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

33 **SECTION 20.** ORS 171.415 is amended to read:

34 171.415. (1) Except as provided in subsections (2) and (3) of this section, a committee or em-
35 ployee of the Legislative Assembly having possession of legislative records that are not required for
36 the regular performance of official duties shall, within 10 days after the adjournment sine die of a
37 regular or special session, deliver all such legislative records to the Legislative Administration
38 Committee.

39 (2) The chairperson, member or employee of a legislative interim committee responsible for
40 maintaining the legislative records of that committee shall, within 10 days after the committee
41 ceases to function or before January 1 next preceding the beginning of an odd-numbered year reg-
42 ular session of the Legislative Assembly, whichever is earlier, deliver all such legislative records to
43 the Legislative Administration Committee.

44 (3) This section does not apply to the records of the Emergency Board, the Legislative Admin-
45 istration Committee, the Legislative Counsel Committee, the Legislative Policy and Research Com-

1 mittee, **the Joint Committee on Conduct and the Legislative Equity Officer** or the Joint
2 Committee on Ways and Means.

3 **SECTION 21.** ORS 244.050 is amended to read:

4 244.050. (1) On or before April 15 of each year the following persons shall file with the Oregon
5 Government Ethics Commission a verified statement of economic interest as required under this
6 chapter:

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

9 (b) Any judicial officer, including justices of the peace and municipal judges, except any pro tem
10 judicial officer who does not otherwise serve as a judicial officer.

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

12 (d) The Deputy Attorney General.

13 (e) The Deputy Secretary of State.

14 (f) The Legislative Administrator, the Legislative Counsel, the Legislative Fiscal Officer, the
15 Legislative Policy and Research Director, the Secretary of the Senate, [*and*] the Chief Clerk of the
16 House of Representatives **and the Legislative Equity Officer.**

17 (g) The president and vice presidents, or their administrative equivalents, in each public uni-
18 versity listed in ORS 352.002.

19 (h) The following state officers:

20 (A) Adjutant General.

21 (B) Director of Agriculture.

22 (C) Manager of State Accident Insurance Fund Corporation.

23 (D) Water Resources Director.

24 (E) Director of Department of Environmental Quality.

25 (F) Director of Oregon Department of Administrative Services.

26 (G) State Fish and Wildlife Director.

27 (H) State Forester.

28 (I) State Geologist.

29 (J) Director of Human Services.

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

31 (L) Director of the Department of State Lands.

32 (M) State Librarian.

33 (N) Administrator of Oregon Liquor Control Commission.

34 (O) Superintendent of State Police.

35 (P) Director of the Public Employees Retirement System.

36 (Q) Director of Department of Revenue.

37 (R) Director of Transportation.

38 (S) Public Utility Commissioner.

39 (T) Director of Veterans' Affairs.

40 (U) Executive director of Oregon Government Ethics Commission.

41 (V) Director of the State Department of Energy.

42 (W) Director and each assistant director of the Oregon State Lottery.

43 (X) Director of the Department of Corrections.

44 (Y) Director of the Oregon Department of Aviation.

45 (Z) Executive director of the Oregon Criminal Justice Commission.

- 1 (AA) Director of the Oregon Business Development Department.
- 2 (BB) Director of the Office of Emergency Management.
- 3 (CC) Director of the Employment Department.
- 4 (DD) Chief of staff for the Governor.
- 5 (EE) Director of the Housing and Community Services Department.
- 6 (FF) State Court Administrator.
- 7 (GG) Director of the Department of Land Conservation and Development.
- 8 (HH) Board chairperson of the Land Use Board of Appeals.
- 9 (II) State Marine Director.
- 10 (JJ) Executive director of the Oregon Racing Commission.
- 11 (KK) State Parks and Recreation Director.
- 12 (LL) Public defense services executive director.
- 13 (MM) Chairperson of the Public Employees' Benefit Board.
- 14 (NN) Director of the Department of Public Safety Standards and Training.
- 15 (OO) Executive director of the Higher Education Coordinating Commission.
- 16 (PP) Executive director of the Oregon Watershed Enhancement Board.
- 17 (QQ) Director of the Oregon Youth Authority.
- 18 (RR) Director of the Oregon Health Authority.
- 19 (SS) Deputy Superintendent of Public Instruction.
- 20 (i) The First Partner, the legal counsel, the deputy legal counsel and all policy advisors within
- 21 the Governor's office.
- 22 (j) Every elected city or county official.
- 23 (k) Every member of a city or county planning, zoning or development commission.
- 24 (L) The chief executive officer of a city or county who performs the duties of manager or prin-
- 25 cipal administrator of the city or county.
- 26 (m) Members of local government boundary commissions formed under ORS 199.410 to 199.519.
- 27 (n) Every member of a governing body of a metropolitan service district and the auditor and
- 28 executive officer thereof.
- 29 (o) Each member of the board of directors of the State Accident Insurance Fund Corporation.
- 30 (p) The chief administrative officer and the financial officer of each common and union high
- 31 school district, education service district and community college district.
- 32 (q) Every member of the following state boards and commissions:
- 33 (A) Governing board of the State Department of Geology and Mineral Industries.
- 34 (B) Oregon Business Development Commission.
- 35 (C) State Board of Education.
- 36 (D) Environmental Quality Commission.
- 37 (E) Fish and Wildlife Commission of the State of Oregon.
- 38 (F) State Board of Forestry.
- 39 (G) Oregon Government Ethics Commission.
- 40 (H) Oregon Health Policy Board.
- 41 (I) Oregon Investment Council.
- 42 (J) Land Conservation and Development Commission.
- 43 (K) Oregon Liquor Control Commission.
- 44 (L) Oregon Short Term Fund Board.
- 45 (M) State Marine Board.

- 1 (N) Mass transit district boards.
- 2 (O) Energy Facility Siting Council.
- 3 (P) Board of Commissioners of the Port of Portland.
- 4 (Q) Employment Relations Board.
- 5 (R) Public Employees Retirement Board.
- 6 (S) Oregon Racing Commission.
- 7 (T) Oregon Transportation Commission.
- 8 (U) Water Resources Commission.
- 9 (V) Workers' Compensation Board.
- 10 (W) Oregon Facilities Authority.
- 11 (X) Oregon State Lottery Commission.
- 12 (Y) Pacific Northwest Electric Power and Conservation Planning Council.
- 13 (Z) Columbia River Gorge Commission.
- 14 (AA) Oregon Health and Science University Board of Directors.
- 15 (BB) Capitol Planning Commission.
- 16 (CC) Higher Education Coordinating Commission.
- 17 (DD) Oregon Growth Board.
- 18 (EE) Early Learning Council.
- 19 (r) The following officers of the State Treasurer:
- 20 (A) Deputy State Treasurer.
- 21 (B) Chief of staff for the office of the State Treasurer.
- 22 (C) Director of the Investment Division.
- 23 (s) Every member of the board of commissioners of a port governed by ORS 777.005 to 777.725
- 24 or 777.915 to 777.953.
- 25 (t) Every member of the board of directors of an authority created under ORS 441.525 to 441.595.
- 26 (u) Every member of a governing board of a public university listed in ORS 352.002.
- 27 (v) Every member of the board of directors of an authority created under ORS 465.600 to
- 28 465.621.
- 29 (2) By April 15 next after the date an appointment takes effect, every appointed public official
- 30 on a board or commission listed in subsection (1) of this section shall file with the Oregon Govern-
- 31 ment Ethics Commission a statement of economic interest as required under ORS 244.060, 244.070
- 32 and 244.090.
- 33 (3) By April 15 next after the filing deadline for the primary election, each candidate described
- 34 in subsection (1) of this section shall file with the commission a statement of economic interest as
- 35 required under ORS 244.060, 244.070 and 244.090.
- 36 (4) Not later than the 40th day before the date of the statewide general election, each candidate
- 37 described in subsection (1) of this section who will appear on the statewide general election ballot
- 38 and who was not required to file a statement of economic interest under subsections (1) to (3) of this
- 39 section shall file with the commission a statement of economic interest as required under ORS
- 40 244.060, 244.070 and 244.090.
- 41 (5) Subsections (1) to (3) of this section apply only to persons who are incumbent, elected or
- 42 appointed public officials as of April 15 and to persons who are candidates on April 15.
- 43 (6) If a statement required to be filed under this section has not been received by the commis-
- 44 sion within five days after the date the statement is due, the commission shall notify the public of-
- 45 ficial or candidate and give the public official or candidate not less than 15 days to comply with the

1 requirements of this section. If the public official or candidate fails to comply by the date set by the
2 commission, the commission may impose a civil penalty as provided in ORS 244.350.

3 **SECTION 22.** Section 23 of this 2019 Act is added to and made a part of ORS 171.725 to
4 171.785.

5 **SECTION 23.** (1) A lobbyist registered with the Oregon Government Ethics Commission
6 or required to register with the commission shall annually attend at least two hours of
7 training described in section 7 of this 2019 Act.

8 (2) A lobbyist registered with the commission or required to register with the commis-
9 sion shall certify attendance at two hours of training described in section 7 of this 2019 Act,
10 including attendance at online training authorized under section 7 of this 2019 Act, on
11 statements the lobbyist files under ORS 171.745.

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

16 (4) The commission may adopt rules to implement lobbyist training reporting require-
17 ments.

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

21 **SECTION 25.** ORS 171.740 is amended to read:

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

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

28 (b) The name, address, electronic mail address and telephone number of each person that em-
29 ploys the lobbyist or in whose interest the lobbyist appears or works.

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

33 (d) The name of any member of the Legislative Assembly employed, retained or otherwise com-
34 pensated by:

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

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

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

39 **(f) A commitment by the lobbyist to comply with the training requirements of section**
40 **23 of this 2019 Act.**

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

44 (b) A lobbyist may unilaterally withdraw a registration statement filed under this section not
45 more than one time per calendar year for each person designated under subsection (1)(b) of this

1 section if the withdrawal is made:

2 (A) Before the designation of official authorization to lobby has been signed in the manner re-
3 quired under paragraph (a) of this subsection; and

4 (B) No more than 10 calendar days after the lobbyist filed the registration statement.

5 (3) A lobbyist must file a separate registration statement under subsection (1) of this section for
6 each person that employs the lobbyist or in whose interest the lobbyist appears or works. If a
7 lobbyist appears or works for a person for whom the lobbyist has not registered, the lobbyist shall
8 register with the commission not later than three business days after the day the lobbyist first ap-
9 pears or works for the person.

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

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

16 (5) A lobbyist registration expires December 31 of each odd-numbered year. If a lobbyist renews
17 the registration before January 31 of the following even-numbered year, the commission shall con-
18 sider the registration to have been effective as of December 31 of the odd-numbered year on which
19 the registration expired.

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

24 **SECTION 26.** ORS 171.745 is amended to read:

25 171.745. (1) A lobbyist registered with the Oregon Government Ethics Commission or required
26 to register with the commission shall, according to the schedule described in ORS 171.752, file with
27 the commission a statement showing for the applicable reporting period:

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

30 (b) The name of any legislative official or executive official to whom or for whose benefit, on
31 any one occasion, an expenditure is made for the purposes of lobbying, and the date, name of payee,
32 purpose and amount of that expenditure. This paragraph applies if the total amount expended on the
33 occasion by one or more persons exceeds \$50.

34 **(c) Certification of the date, location and duration of any training described in section**
35 **23 of this 2019 Act that the lobbyist attended or completed.**

36 (2) Statements required by this section need not include amounts expended by the lobbyist for
37 personal living and travel expenses and office overhead, including salaries and wages paid for staff
38 and secretarial assistance, and maintenance expenses.

39 (3) If the amount of any expenditure required to be included in a statement is not accurately
40 known at the time the statement is required to be filed, an estimate of the expenditure shall be
41 submitted in the statement and designated as an estimate. The exact amount expended for which a
42 previous estimate was made shall be submitted in a subsequent report when the information is
43 available.

44 (4) A statement required by this section shall include a copy of any notice provided to a public
45 official or candidate under ORS 244.100.

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

3 **SECTION 28.** There is appropriated to the Legislative Assembly, for the biennium begin-
4 ning July 1, 2019, out of the General Fund, the amount of \$1,393,318 for payment of the ex-
5 penses of the Legislative Equity Office.

6 **SECTION 29.** This 2019 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
8 on its passage.
9
