

## 2019 SUMMARY OF LEGISLATION

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# CAPITOL CULTURE

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# CAPITOL CULTURE MEASURES

<b>Capitol Culture</b>	Enacted Not Enacted	HB 3377, HCR 20 HB 2859, HB 3127
<b>Other</b>	Enacted Not Enacted	SB 478 -none-

Picture: State Capitol Building, Marion County – [Gary Halvorsen, Oregon State Archives](#)

# TASK FORCES AND REPORTING REQUIREMENTS

The following bills created task forces and reporting requirements. Additional information is provided in the bill summaries.

Bill Number	Description	Deadline
HB 3377	Directs the Legislative Equity Officer to prepare and present a report to the Joint Committee on Conduct and include: a description of the activities of the officer since the last report; a detailed description of the training curricula and subjects addressed in the required training; statistics regarding the number of confidential disclosures, nonconfidential reports and formal complaints; the results or a summary of the most recent culture and climate survey; and any other information required by the Joint Committee on Conduct.	Annually on February 1
HCR 20	Directs the Joint Committee on Conduct to report on whether investigation functions shall continue to be performed by one or more independent investigators, or by Legislative Branch personnel affiliated with the Legislative Equity Office to the President of the Senate and the Speaker of the House of Representatives.	January 1, 2021

[Senate Bill 478](#)

Effective Date: June 20, 2019

**Campaign and Public Funds for Nondisclosure Agreements**

**Chief Sponsors:** Sens. Gelser, Knopp; Rep. Power

**Committees:** Joint Capitol Culture, Senate Workforce, House Judiciary

**Background and Current Law:** Oregon's campaign finance regulation laws govern the uses of and prohibitions on campaign funds. Uses and prohibitions are provided for the campaign committees of candidates or holders of public office, political committees that are not principal campaign committees, and petition committees. Contributions to campaigns may be used to pay some campaign finance violations but may not be used to pay a money award in a civil or criminal action, or to pay a fine imposed by an agency or local government. Likewise, contributions to a political committee or petition committee may not be used to satisfy civil or criminal money awards, or to pay legal expenses arising out of the scope and duties of an individual serving on the committee, unless it relates to proceedings based on campaign finances.

**Bill Summary:** Senate Bill 478 prohibits the use of contributions to a campaign, political committee, or petition committee as payment in connection with a nondisclosure agreement related to workplace harassment. It also prohibits the use of any public moneys, or money received from a third party, to make payments in connection with a nondisclosure agreement related to workplace harassment. Violations are punishable by up to twice the amount that is specified in the nondisclosure agreement.

**Oregon Laws 2019:** Chapter 462

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[House Bill 2859](#)

Not Enacted

**Confidential Communications and Records regarding Workplace Harassment**

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the Oregon Law Commission formed the Oregon State Capitol Workplace Harassment Work Group in response to a request from the President of the Senate and the Speaker of the House to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. After several months of public hearings and soliciting public input, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018. The final report included recommendations to establish a Legislative Equity Office, where individuals experiencing harassment can obtain information and discuss options for reporting or other support.

**Bill Summary:** House Bill 2859 would have created an evidentiary privilege for harassment-related communications between individuals and the Legislative Equity Office. The provisions were enacted as part of House Bill 3377.

[House Bill 3127](#)

Not Enacted

**Remedial Action for Lobbyists**

**Chief Sponsors:** Rep. Noble

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the Oregon Law Commission formed the Oregon State Capitol Workplace Harassment Work Group in response to a request from the President of the Senate and the Speaker of the House to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. After several months of public hearings and soliciting public input, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018. The recommendations included specific elements for a strong workplace harassment policy and commensurate training, requiring the Oregon Government Ethics Commission to ensure lobbyists attend workplace harassment training, and empowering the Legislative Administrator to impose appropriate remedies for lobbyists and other third parties who violate the workplace harassment policy.

**Bill Summary:** House Bill 3127 would have directed the Oregon Government Ethics Commission to receive written findings of fact, prepared by an investigator directed by the Legislative Assembly or legislative rule, determining whether a lobbyist engaged in conduct prohibited under the personnel rules of the legislative branch. It would have required the Ethics Commission to conduct proceedings and deliberate on the written findings and, after providing the lobbyist with notice and an opportunity to be heard, to determine an appropriate remedy.

[House Bill 3377](#)

Effective Date: July 23, 2019

[\(see House Concurrent Resolution 20\)](#)

## Oregon State Capitol Workplace Harassment

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture, Joint Ways and Means

**Background and Current Law:** In 2018, the President of the Senate and the Speaker of the House requested that the Oregon Law Commission assist with legislative efforts to make the State Capitol a workplace where employees, legislators, lobbyists, and visitors alike can participate in the democratic process without fear of harassment, discrimination, or retaliation. The Legislative Assembly requested that the Commission advise on how best to revise its laws and policies related to workplace harassment. The Commission appointed 14 members to the Oregon State Capitol Workplace Harassment Work Group, including employment lawyers representing employees and management, former legislators and legislative staff, registered lobbyists, a retired Oregon Supreme Court justice, an academic in the field of implicit bias, and several professionals with extensive experience preventing and responding to harassment in professional and educational settings. After several months of public hearings and soliciting public input, both with attribution and anonymously, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018 and made available to the public on the Oregon Law Commission website. House Bill 3377 contains recommendations of the Oregon Law Commission's Oregon State Capitol Workplace Harassment Work Group.

**Bill Summary:** House Bill 3377 forms a Joint Committee on Conduct (Joint Committee) as a standing legislative committee consisting of members from the House Committee on Conduct and the Senate Committee on Conduct. The measure directs the Joint Committee to adopt a respectful workplace policy for conduct that is not implicated by the Legislative Assembly's harassment, discrimination, and retaliation policy. The measure also establishes the Legislative Equity Office and requires the Joint Committee to provide policy direction and oversight to the office. It specifies the appointment of a Legislative Equity Officer and requires the officer to contract with an independent investigator to receive complaints violating the Legislative Assembly's harassment, discrimination, and retaliation policy; conduct investigations; and make interim safety recommendations. Additionally, the measure directs the officer to regularly conduct climate and culture surveys; establish a Capitol Leadership Team; provide, and to contract with offsite process counselor to provide, confidential process counseling; and conduct annual training on the harassment, retaliation, and discrimination policy and free speech. The measure requires legislators, legislative staff, and registered lobbyists to attend the training, and it directs the Oregon Government Ethics Commission to track the attendance of lobbyists and submit an annual report to the Legislative Assembly.

**Oregon Laws 2019:** Chapter 604

[House Concurrent Resolution 20](#)

Filed with Secretary of State

[\(see House Bill 3377\)](#)

**Oregon State Capitol Harassment, Discrimination, and Retaliation Policy**

**At the request of:** Joint Committee on Capitol Culture

**Committees:** Joint Capitol Culture

**Background and Current Law:** In 2018, the President of the Senate and the Speaker of the House requested that the Oregon Law Commission assist with legislative efforts to make the State Capitol a model workplace where employees, legislators, lobbyists, and visitors alike can feel safe and participate in the democratic process, without fear of harassment, discrimination, or retaliation. The Commission was requested to advise the Legislative Assembly on how best to revise its laws and policies related to workplace harassment. The Commission appointed 14 members to the Oregon State Capitol Workplace Harassment Work Group, including employment lawyers representing employees and management, former legislators and legislative staff, registered lobbyists, a retired Oregon Supreme Court justice, an academic in the field of implicit bias, and several professionals with extensive experience preventing and responding to harassment in professional and educational settings. After several months of public hearings and soliciting public input, both with attribution and anonymously, the Work Group's final report and recommendations were submitted to the Presiding Officers in December of 2018 and made available to the public on the Oregon Law Commission website. House Concurrent Resolution 20 contains recommendations of the Oregon Law Commission's Oregon State Capitol Workplace Harassment Work Group.

**Bill Summary:** House Concurrent Resolution 20 amends the Legislative Branch Rules to adopt a harassment, discrimination, and retaliation policy, and it authorizes any person who experiences or observes any specified prohibited behaviors to utilize the policy. The resolution applies the policy to legislators, legislative staff, lobbyists, and any other person present in State Capitol. It describes the behaviors and actions that constitute harassment, sexual harassment, retaliation, and conduct that contributes to a hostile work environment. It establishes three options for making such reports, requires follow-up from the Legislative Equity Officer (LEO) or the offsite process counselor, and specifies the criteria regarding communications and disclosures of information to or from the LEO or the counselor. Additionally, the resolution allows any person who experiences or observes any prohibited behavior to report such, and requires legislators, appointing authorities, and nonpartisan staff supervisors to make such reports upon observing or receiving information of such behavior. The resolution also specifies the process and requirements for submitting reports and complaints regarding prohibited behaviors and requires complaints to be submitted to the LEO as well as an independent investigator. Furthermore, the resolution specifies the process for investigations conducted by the independent investigator and includes criteria for confidentiality and transparency. House Concurrent Resolution 20 also authorizes the investigator, LEO, and the offsite process counselor to recommend interim safety measures after receiving a disclosure, report, or complaint. The resolution includes a variety of mechanisms for imposing remedial measures for individuals named in complaints. Finally, House Concurrent Resolution 20 establishes the Senate Committee on Conduct and the House Committee on Conduct, specifying that members of each committee together comprise the Joint Committee on Conduct. In addition, the resolution directs the Joint Committee to adopt a respectful workplace policy and make recommendations regarding the independent investigations.