

**Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session**  
**STAFF MEASURE SUMMARY**  
**Senate Committee On Judiciary**

**MEASURE: SB 189**  
**CARRIER: Sen. Burdick**

**Fiscal:** No Fiscal Impact  
**Revenue:** No Revenue Impact

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**Action Date:** 02/03/15

**Action:** Do Pass.

**Meeting Dates:** 02/03

**Senate**

**Yeas:** 5 - Burdick, Gelser, Thatcher, Prozanski, Kruse

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**Prepared By:** Channa Newell, Counsel

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**WHAT THE MEASURE DOES:**

Allows state agencies to adopt model rules developed by Attorney General relating to confidentiality of mediation sessions without complying with statutory rulemaking procedures. Requires agencies adopting such model rules to file notice of adoption of rules with Secretary of State. Declares emergency; effective on passage.

**ISSUES DISCUSSED:**

- Attorney General is developer and custodian of model rules for state agencies
- State agencies may adopt model rules, but may not amend model rules
- Differences between adoption of model rules and agency developed rules
- Attorney General provides public comment period and hearings for model rule development
- Benefit of streamlining model rule adoption process

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Agencies may use mediation as a method to resolve internal disputes. Currently, to make the content of mediation discussions confidential, agencies must adopt model rules as developed by the Attorney General. To adopt the model rules, the agency must adhere to modification rules that limit the changes that can be made to the rules, provide the Governor with a copy of the rules and give notice of intended rulemaking, then follow all applicable rulemaking procedures in ORS 183.325-355. The agencies are not able to amend the model rules.

Senate Bill 189 provides a streamlined procedure for agencies adopting the model mediation confidentiality rules developed by the Attorney General.