

STAFF MEASURE SUMMARY

House Committee On Judiciary

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/23/15

Action: Do Pass.

Meeting Dates: 04/23

Vote:

Yeas: 7 - Barker, Barton, Greenlick, Lininger, Olson, Post, Sprenger

Exc: 2 - Krieger, Williamson

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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:

- Current process for agency adoption of model rules
- Agency unable to modify model rules, but required to follow lengthy rulemaking process
- Other model rules may be adopted without full rulemaking requirements
- Confidentiality in mediation

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.