

STAFF MEASURE SUMMARY

CARRIER: Sen. Rosenbaum

Senate Committee On Rules

**Fiscal:** No Fiscal Impact

**Revenue:** No Revenue Impact

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**Action Date:** 04/30/15

**Action:** Do Pass With Amendments. (Printed A-Eng.)

**Meeting Dates:** 02/24, 04/30

**Vote:**

Yeas: 3 - Beyer, Burdick, Rosenbaum

Nays: 2 - Boquist, Ferrioli

**Prepared By:** Erin Seiler, Committee Administrator

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**WHAT THE MEASURE DOES:**

Provides Oregon Government Ethics Commission (OGEC) certain rulemaking authority to assist in enforcement of executive session provisions of public meeting laws.

**ISSUES DISCUSSED:**

- Rulemaking process
- Concerns related to rulemaking authority for definition of media
- Limiting participation of news media representation
- Definition of journalist/representative of the media
- Ability of OGEC to provide guidance on media to local governments
- Scope of problem regarding media and executive sessions
- Legislative history of allowing media presence in executive sessions
- Broad authority to define news media
- Amendment
- Role of media in public policy process
- Legislative authority to change administrative rule
- Statewide policy versus county-by-county policy regarding media
- Number of local governments who utilize executive sessions
- Purpose of setting statewide standards
- Number of complaints brought to OGEC relating to executive sessions
- Characterization of term “blogger”

**EFFECT OF COMMITTEE AMENDMENT:**

Prohibits Oregon Government Ethics Commission from adopting rules that establish what entities are considered representatives of news media.

**BACKGROUND:**

A public body may hold an executive session for deliberations of specific issues including: employment, the dismissal or disciplining of or to hear complaints or charges brought against a public officer, employee, staff member or individual agent; persons designated by the governing body to carry on labor or real property transaction negotiations; to consider information or records that are exempt by law from public inspection; consultation with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed; review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing; or carry on negotiations with private persons or businesses regarding proposed acquisition, exchange

or liquidation of public investments. In addition, specific regulatory boards may hold an executive session relating to a licensee or licensed entity's conduct or competency.

The Oregon Government Ethics Commission (OGEC) is responsible for reviewing and investigating any complaints alleging that a public official has violated statutes governing executive sessions (ORS 192.660). OGEC may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation has occurred. However, as the regulatory agency for executive sessions, OGEC does not have rulemaking authority to implement, interpret or describe the procedure for governance of executive sessions.

Currently, OGEC has rulemaking authority regarding the enforcement of the statutes governing lobbying of public officials and lobbyists. Senate Bill 294-A extends rulemaking authority to OGEC for the purpose of carrying out its duties of the enforcement of the statutes regarding executive sessions with the exception of rules defining representative of news media.