

**PROPOSED AMENDMENTS TO
SENATE BILL 294**

1 On page 1 of the printed bill, line 3, after “ORS” insert “192.660 and”.

2 On page 4, delete lines 8 and 9 and insert:

3 **“SECTION 3.** ORS 192.660 is amended to read:

4 “192.660. (1) ORS 192.610 to 192.690 do not prevent the governing body of
5 a public body from holding executive session during a regular, special or
6 emergency meeting, after the presiding officer has identified the authori-
7 zation under ORS 192.610 to 192.690 for holding the executive session.

8 “(2) The governing body of a public body may hold an executive session:

9 “(a) To consider the employment of a public officer, employee, staff
10 member or individual agent.

11 “(b) To consider the dismissal or disciplining of, or to hear complaints
12 or charges brought against, a public officer, employee, staff member or indi-
13 vidual agent who does not request an open hearing.

14 “(c) To consider matters pertaining to the function of the medical staff
15 of a public hospital licensed pursuant to ORS 441.015 to 441.063 including,
16 but not limited to, all clinical committees, executive, credentials, utilization
17 review, peer review committees and all other matters relating to medical
18 competency in the hospital.

19 “(d) To conduct deliberations with persons designated by the governing
20 body to carry on labor negotiations.

21 “(e) To conduct deliberations with persons designated by the governing
22 body to negotiate real property transactions.

1 “(f) To consider information or records that are exempt by law from
2 public inspection.

3 “(g) To consider preliminary negotiations involving matters of trade or
4 commerce in which the governing body is in competition with governing
5 bodies in other states or nations.

6 “(h) To consult with counsel concerning the legal rights and duties of a
7 public body with regard to current litigation or litigation likely to be filed.

8 “(i) To review and evaluate the employment-related performance of the
9 chief executive officer of any public body, a public officer, employee or staff
10 member who does not request an open hearing.

11 “(j) To carry on negotiations under ORS chapter 293 with private persons
12 or businesses regarding proposed acquisition, exchange or liquidation of
13 public investments.

14 “(k) If the governing body is a health professional regulatory board, to
15 consider information obtained as part of an investigation of licensee or ap-
16 plicant conduct.

17 “(L) If the governing body is the State Landscape Architect Board, or an
18 advisory committee to the board, to consider information obtained as part
19 of an investigation of registrant or applicant conduct.

20 “(m) To discuss information about review or approval of programs relat-
21 ing to the security of any of the following:

22 “(A) A nuclear-powered thermal power plant or nuclear installation.

23 “(B) Transportation of radioactive material derived from or destined for
24 a nuclear-fueled thermal power plant or nuclear installation.

25 “(C) Generation, storage or conveyance of:

26 “(i) Electricity;

27 “(ii) Gas in liquefied or gaseous form;

28 “(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

29 “(iv) Petroleum products;

30 “(v) Sewage; or

1 “(vi) Water.

2 “(D) Telecommunication systems, including cellular, wireless or radio
3 systems.

4 “(E) Data transmissions by whatever means provided.

5 “(3) Labor negotiations shall be conducted in open meetings unless
6 negotiators for both sides request that negotiations be conducted in execu-
7 tive session. Labor negotiations conducted in executive session are not sub-
8 ject to the notification requirements of ORS 192.640.

9 “(4) Representatives of the news media shall be allowed to attend execu-
10 tive sessions other than those held under subsection (2)(d) of this section
11 relating to labor negotiations or executive session held pursuant to ORS
12 332.061 (2) but the governing body may require that specified information be
13 undisclosed.

14 “(5) When a governing body convenes an executive session under sub-
15 section (2)(h) of this section relating to conferring with counsel on current
16 litigation or litigation likely to be filed, the governing body shall bar any
17 member of the news media from attending the executive session if the mem-
18 ber of the news media is a party to the litigation or is an employee, agent
19 or contractor of a news media organization that is a party to the litigation.

20 “(6) No executive session may be held for the purpose of taking any final
21 action or making any final decision.

22 “(7) The exception granted by subsection (2)(a) of this section does not
23 apply to:

24 “(a) The filling of a vacancy in an elective office.

25 “(b) The filling of a vacancy on any public committee, commission or
26 other advisory group.

27 “(c) The consideration of general employment policies.

28 “(d) The employment of the chief executive officer, other public officers,
29 employees and staff members of a public body unless:

30 “(A) The public body has advertised the vacancy;

1 “(B) The public body has adopted regular hiring procedures;

2 “(C) In the case of an officer, the public has had the opportunity to
3 comment on the employment of the officer; and

4 “(D) In the case of a chief executive officer, the governing body has
5 adopted hiring standards, criteria and policy directives in meetings open to
6 the public in which the public has had the opportunity to comment on the
7 standards, criteria and policy directives.

8 “(8) A governing body may not use an executive session for purposes of
9 evaluating a chief executive officer or other officer, employee or staff mem-
10 ber to conduct a general evaluation of an agency goal, objective or operation
11 or any directive to personnel concerning agency goals, objectives, operations
12 or programs.

13 “(9) Notwithstanding subsections (2) and (6) of this section and ORS
14 192.650:

15 “(a) ORS 676.175 governs the public disclosure of minutes, transcripts or
16 recordings relating to the substance and disposition of licensee or applicant
17 conduct investigated by a health professional regulatory board.

18 “(b) ORS 671.338 governs the public disclosure of minutes, transcripts or
19 recordings relating to the substance and disposition of registrant or appli-
20 cant conduct investigated by the State Landscape Architect Board or an ad-
21 visory committee to the board.

22 “(10) **Notwithstanding ORS 244.290, the Oregon Government Ethics**
23 **Commission may not adopt rules that establish what entities are con-**
24 **sidered representatives of the news media that are entitled to attend**
25 **executive sessions under subsection (4) of this section.**

26 “**SECTION 4. The amendments to ORS 192.660 and 244.290 by**
27 **sections 1 to 3 of this 2015 Act apply to alleged violations of ORS**
28 **192.660 that occur on or after the effective date of this 2015 Act.”.**

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