

Requested by SENATE COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

**PROPOSED AMENDMENTS TO  
SENATE BILL 1022**

1 On page 1 of the printed bill, line 2, after ORS delete the rest of the line  
2 and delete lines 3 through 9 and insert “184.406, 276.285, 284.706, 297.050,  
3 297.070, 346.010, 346.020, 396.145, 398.012, 409.194 and 409.225; and repealing  
4 ORS 131.910, 171.857, 171.860, 173.610, 173.620, 173.630, 173.640, 182.560,  
5 182.562, 182.565, 182.568, 182.570, 284.540, 284.600, 284.604, 284.608, 284.612,  
6 284.615, 284.618, 284.622, 284.625, 284.628, 284.631, 284.633, 284.635, 292.907,  
7 292.908, 292.912, 292.917, 346.085, 346.087, 346.089, 346.092, 396.600, 418.243 and  
8 418.244.”.

9 Delete lines 12 through 31 and delete pages 2 through 20 and insert:

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11

**“FINDINGS**

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**“SECTION 1. The Legislative Assembly finds and declares that pe-  
riodic review of state boards, commissions and other entities created  
by statute is necessary to identify those that no longer meet or serve  
the public purposes for which they were created. The Legislative As-  
sembly further declares that the statutes amended or repealed by  
sections 2 to 14 and 16 to 23 of this 2017 Act reflect a legislative de-  
termination that the affected boards, commissions and other entities  
are no longer needed and therefore are eliminated.**



1 collected, whichever is greater, even if those rates are subsequently  
2 reduced.]; and]

3 “[(6) *An advisory committee, consisting of two legislators appointed by the*  
4 *President of the Senate, two legislators appointed by the Speaker of the House*  
5 *of Representatives and one person appointed by the Governor, has reviewed the*  
6 *provisions of the proposed grant agreement listed in subsection (5) of this sec-*  
7 *tion.*]

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9 **“(Board of Directors of the Oregon School for the Deaf)**

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11 **“SECTION 3.** ORS 346.010 is amended to read:

12 “346.010. (1) Pursuant to rules of the State Board of Education, the Su-  
13 perintendent of Public Instruction shall provide free training and education  
14 services in a school located in Marion County for children who are deaf.

15 “(2) The Superintendent of Public Instruction shall indicate which facili-  
16 ties shall serve as the Oregon School for the Deaf.

17 “(3) The superintendent may order a change in all or part in the purpose  
18 and use of the facilities available under this section whenever the super-  
19 intendent determines that a change in purpose and use will better enable the  
20 state to meet its responsibilities for the education and training of children  
21 who are deaf.

22 “(4) The school shall be operated primarily for the provision of education  
23 and training services for children who are deaf who cannot be efficiently  
24 served in other schools or programs.

25 “[5) *The Board of Directors of the Oregon School for the Deaf may appeal*  
26 *any decision of the Superintendent of Public Instruction made under this sec-*  
27 *tion to the State Board of Education. An appeal under this subsection must*  
28 *be filed with the State Board of Education within 60 days of the date of the*  
29 *decision by the superintendent. The State Board of Education may uphold,*  
30 *modify or overturn any decision of the superintendent under this section.*]

1       **“SECTION 4.** ORS 346.020 is amended to read:

2       “346.020. (1) The Superintendent of Public Instruction shall prescribe the  
3 course of instruction for students enrolled in the school operated under ORS  
4 346.010. The State Board of Education shall determine the procedures for  
5 placement, development of services and operation of the school in conform-  
6 ance with state and federal laws relating to children who are eligible for  
7 special education and shall adopt the procedures by rule.

8       “(2) *[In consultation with the Board of Directors of the Oregon School for*  
9 *the Deaf,]* The Superintendent of Public Instruction shall select a director for  
10 the school. The superintendent may also select teachers and other personnel  
11 necessary to manage the school in an effective and efficient manner or may  
12 delegate the selection of teachers and other personnel to the director of the  
13 school.

14       “(3) The Superintendent of Public Instruction shall have control over  
15 persons enrolled in the school and shall direct their care and promote their  
16 mental, moral and physical welfare.

17       “*[(4) The Board of Directors of the Oregon School for the Deaf may appeal*  
18 *a decision of the Superintendent of Public Instruction to the State Board of*  
19 *Education if the decision was made under subsection (2) of this section and*  
20 *relates to the selection or dismissal of the director of the school. An appeal*  
21 *under this subsection must be filed with the State Board of Education within*  
22 *60 days of the date of the decision by the superintendent. The State Board of*  
23 *Education may uphold, modify or overturn any decision of the superintendent*  
24 *under this section.]*

25       **“SECTION 5. ORS 346.085, 346.087, 346.089 and 346.092 are repealed.**

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27                   **“(Committee on Performance Excellence)**

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29       **“SECTION 6.** ORS 297.050 is amended to read:

30       “297.050. The Division of Audits of the office of the Secretary of State

1 shall supply the Joint Legislative Audit Committee[, *the Committee on Per-*  
2 *formance Excellence established in ORS 182.562*] and the Legislative Fiscal  
3 Officer with a copy of each audit report made by or for the Division of Au-  
4 dits.

5 **“SECTION 7.** ORS 297.070 is amended to read:

6 “297.070. (1) Performance and program audits of all state departments,  
7 boards, commissions, institutions and state-aided institutions and agencies  
8 shall be conducted on the basis of risk assessment and on standards estab-  
9 lished by national recognized entities including, but not limited to, the  
10 United States Government Accountability Office and the National Associ-  
11 ation of State Auditors. The Secretary of State shall adopt and the Joint  
12 Legislative Audit Committee shall approve rules specifying all criteria to be  
13 considered for conducting a performance or program audit under this section.  
14 The Secretary of State shall schedule the performance and program audits  
15 as directed by the Joint Legislative Audit Committee.

16 “(2) The Secretary of State may subpoena witnesses, may require the  
17 production of books and papers and rendering of reports in the manner and  
18 form that the Secretary of State requires and may do all things necessary to  
19 secure a full and thorough audit. The Secretary of State shall report, in  
20 writing, to the Legislative Assembly as provided in ORS 192.245 [*and to the*  
21 *Committee on Performance Excellence established in ORS 182.562*]. The report  
22 shall include a copy of the report on each performance and program audit.

23 “(3) The Secretary of State, as State Auditor, shall contract with qualified  
24 private sector auditors to conduct audits required by this section, unless the  
25 Secretary of State determines that it is not practical or in the public interest  
26 to do so. If the Secretary of State determines that it is not practical or in  
27 the public interest to contract with qualified private sector auditors, after  
28 notifying the Joint Legislative Audit Committee, the Secretary of State shall  
29 employ auditors for that purpose and shall include in the written audit re-  
30 port the circumstances that rendered it impractical or not in the public in-

1 terest to contract with qualified private sector auditors. All contracts for  
2 conducting performance and program audits under this section shall be in a  
3 form prescribed or approved by the Secretary of State. A copy of each com-  
4 pleted contract shall be furnished to the Secretary of State and the Joint  
5 Legislative Audit Committee. The Secretary of State shall employ or contract  
6 with auditors upon terms and for compensation as the Secretary of State  
7 determines are advantageous and advisable.

8 “(4) An audit conducted under contract as provided in subsection (3) of  
9 this section shall be considered to be conducted by the Division of Audits for  
10 purposes of ORS 297.020, 297.050 and 297.535.

11 “(5) If a person fails to comply with any subpoena issued under subsection  
12 (2) of this section, a judge of the circuit court of any county, on application  
13 of the Secretary of State, shall compel obedience by proceedings for contempt  
14 as in the case of disobedience of the requirements of a subpoena issued from  
15 the circuit court.

16 “(6) The Secretary of State may enter into an agreement with the de-  
17 partment, board, commission, institution, state-aided institution or agency  
18 that is the subject of a performance or program audit for payment of the  
19 expenses incurred by the Secretary of State in conducting the audit. The  
20 Emergency Board may also make funds available to the Division of Audits  
21 to reimburse it for expenses incurred under this section.

22 “(7) As used in this section:

23 “(a) ‘Performance audit’ includes determining:

24 “(A) Whether an entity described in subsection (1) of this section that is  
25 the subject of the audit is acquiring, protecting and using its resources eco-  
26 nomically and efficiently;

27 “(B) The causes of inefficiencies or uneconomical practices; and

28 “(C) Whether the entity has complied with laws and regulations con-  
29 cerning matters of economy and efficiency.

30 “(b) ‘Program audit’ includes determining:

1 “(A) The extent to which the desired results or benefits of a program es-  
2 tablished by the Legislative Assembly or other authorizing body are being  
3 achieved;

4 “(B) The extent to which the need for or objectives of an ongoing program  
5 are necessary or relevant;

6 “(C) Whether the program complements, duplicates, overlaps or conflicts  
7 with other related programs;

8 “(D) The effectiveness of organizations, programs, activities or functions;  
9 and

10 “(E) Whether the entity described in subsection (1) of this section that is  
11 the subject of the audit has complied with laws and regulations applicable  
12 to the program.

13 **“SECTION 8. ORS 182.560, 182.562, 182.565, 182.568 and 182.570 are**  
14 **repealed.**

15

16 **“(Governor’s Council on Oregon’s Economy)**

17

18 **“SECTION 9. ORS 284.540 is repealed.**

19

20 **“(Military Council)**

21

22 **“SECTION 10. ORS 396.145 is amended to read:**

23 “396.145. (1) The military staff of the Governor shall consist of the Chief  
24 of Staff to the Governor[, *the Military Council*] and such personal aides-de-  
25 camp as the Governor shall deem necessary.

26 “(2) The Adjutant General shall be Chief of Staff to the Governor.

27 “[*(3) The Military Council hereby is established as an advisory board to*  
28 *the Governor for the purpose of advising the Governor in all matters of mili-*  
29 *tary interest to the state. It shall consist of the Adjutant General and not fewer*  
30 *than 6 nor more than 10 officers of the Oregon National Guard selected for*

1 *their knowledge of the service. The Oregon Army National Guard and the*  
2 *Oregon Air National Guard shall be represented on the Military Council in*  
3 *proportion to their total strength.]*

4 “[(4)] (3) Personal aides-de-camp to the Governor may be selected from the  
5 commissioned officers of the Oregon National Guard or from reserve officers  
6 of the Armed Forces of the United States who are residents of Oregon and  
7 who are not serving on extended active duty. Officers detailed under this  
8 section shall not be relieved from their ordinary duties except when actually  
9 on duty with the Governor.

10 “[5)] (4) The military staff of the Governor shall, in addition to its other  
11 duties, perform such ceremonial functions and duties as the Governor may  
12 prescribe.

13 **“SECTION 11.** ORS 398.012 is amended to read:

14 “398.012. (1) The Governor, on the recommendation of the Adjutant Gen-  
15 eral, shall appoint an officer of the organized militia as State Judge Advo-  
16 cate. To be eligible for appointment as State Judge Advocate, an officer  
17 must:

18 “(a) Be a member in good standing of the Oregon State Bar;

19 “(b) Have been a member of the Oregon State Bar for at least five years;  
20 and

21 “(c) Meet the qualifications for a judge advocate under the Uniform Code  
22 of Military Justice, 10 U.S.C. 801 et seq.

23 “(2) The Adjutant General may appoint an officer of the organized militia  
24 as an Assistant State Judge Advocate. The Adjutant General may appoint  
25 as many Assistant State Judge Advocates as the Adjutant General deems  
26 necessary. To be eligible for appointment as an Assistant State Judge Advo-  
27 cate, an officer must:

28 “(a) Be a member in good standing of the Oregon State Bar; and

29 “(b) Meet the qualifications for a judge advocate under the Uniform Code  
30 of Military Justice, 10 U.S.C. 801 et seq.



1       “(3)(a) The Adjutant General may appoint temporary Assistant State  
2 Judge Advocates who are officers of the organized militia. An individual  
3 appointed as a temporary Assistant State Judge Advocate has 12 months  
4 from the date of appointment to become a member in good standing of the  
5 Oregon State Bar and meet the qualifications for a judge advocate under the  
6 Uniform Code of Military Justice, 10 U.S.C. 801 et seq.

7       “(b) The legal services performed by a temporary Assistant State Judge  
8 Advocate are limited to those legal services that may be performed by legal  
9 assistants consistent with ORS 9.160.

10       “(c) A temporary Assistant State Judge Advocate who has met the re-  
11 quirements under this subsection is eligible for appointment as an Assistant  
12 State Judge Advocate.

13       “(d) The Adjutant General may extend, for an additional 12 months, the  
14 time during which a temporary Assistant State Judge Advocate must meet  
15 the qualifications described in paragraph (a) of this subsection.

16       “(4) The Adjutant General may appoint State Judge Advocate Legal As-  
17 sistants for a period not to exceed 12 months. An individual appointed as a  
18 State Judge Advocate Legal Assistant shall be an officer of the Oregon State  
19 Defense Force and shall be legally trained but is not required to be admitted  
20 to the practice of law by the Supreme Court of this state. The legal services  
21 performed by a State Judge Advocate Legal Assistant are limited to those  
22 legal services that may be performed by legal assistants consistent with ORS  
23 9.160.

24       “(5) The State Judge Advocate, the Senior Force Judge Advocate, as de-  
25 fined in the Oregon Code of Military Justice, or their assistants shall make  
26 frequent inspections in the field for supervision of the administration of  
27 military justice and general military legal matters.

28       “(6)(a) Convening authorities shall at all times communicate directly with  
29 their judge advocate in matters relating to the administration of military  
30 justice and general military legal matters.

1 “(b) The judge advocate of any command may communicate directly with  
2 the judge advocate of a superior or subordinate command, or with the State  
3 Judge Advocate or the Senior Force Judge Advocate, as defined in the  
4 Oregon Code of Military Justice.

5 “(7) A person who has acted as member, military judge, trial counsel, as-  
6 sistant trial counsel, defense counsel, assistant defense counsel or investi-  
7 gating officer, or who has been a witness for either the prosecution or  
8 defense in any case, may not later act as judge advocate to any reviewing  
9 authority upon the same case.

10 “(8) A judicial officer, as defined by ORS 1.210, is not prohibited, by rea-  
11 son of holding that office, from:

12 “(a) Performing all acts necessary or incumbent to the authorized exercise  
13 of duties as a judge advocate [*or as a member of the Military Council*].

14 “(b) Being assigned as a judge advocate by the Adjutant General as ap-  
15 pointed by the Governor as Commander in Chief under the Oregon Consti-  
16 tution.

17

18 “(Natural Resources Policy Administrator)

19

20 “**SECTION 12. ORS 173.610, 173.620, 173.630 and 173.640 are repealed.**

21

22 “(Oregon Progress Board)

23

24 “**SECTION 13.** ORS 276.285 is amended to read:

25 “276.285. (1) It is the policy of the State of Oregon[, *in keeping with the*  
26 *benchmark relating to public infrastructure and development adopted by the*  
27 *Oregon Progress Board,*] to facilitate and encourage state agencies that own  
28 real property and operate facilities to manage and develop these properties  
29 in an effective and businesslike manner. The maintenance, preservation and  
30 development of state-owned real property and facilities, including, but not

1 limited to, educational institutions, hospitals, parks, roads, libraries and fish  
2 hatcheries is essential to enable the State of Oregon to meet the needs of its  
3 citizens now and in the future. The purpose of chapter 452, Oregon Laws  
4 1995, is to maintain and protect the investment of the State of Oregon in its  
5 public infrastructure.

6 “(2) Any state agency that owns and operates real property or facilities  
7 is authorized to establish a separate dedicated account in the State Treasury  
8 for the purpose of paying the expenses of constructing, operating, maintain-  
9 ing, repairing, replacing, equipping, improving, acquiring and disposing of  
10 such real property and facilities. All moneys in an account established pur-  
11 suant to this subsection are appropriated continuously to the agency for the  
12 purposes described in this subsection. All interest earned on moneys in the  
13 account shall be retained in and credited to the account.

14 “(3) Any state agency that owns or operates real property or facilities  
15 may establish a rental program for the purpose of recovering and paying for  
16 the costs, including debt service, of constructing, operating, maintaining,  
17 repairing, replacing, equipping, improving and disposing of real property and  
18 facilities consistent with the statutory authority of the state agency. All  
19 revenues from such rental programs shall be deposited in the account estab-  
20 lished pursuant to subsection (2) of this section.

21 “(4) Whenever a state agency that owns and operates real property and  
22 facilities, and that has an established account under subsection (2) of this  
23 section sells or leases real property, the proceeds from the sale or lease shall  
24 be credited to the account established pursuant to subsection (2) of this  
25 section, unless disposition of the proceeds is otherwise provided by law.

26 “(5) If a state agency that owns and operates real property and facilities  
27 has other statutory authority to provide funding for real property and facil-  
28 ity operation and management, the agency may use that authority in lieu of  
29 or in addition to the provisions of this section.

30 “(6) When a state agency establishes an account pursuant to subsection

1 (2) of this section, the agency shall provide a report of the revenues to and  
2 expenditures from the account as part of its budget submission to the Gov-  
3 ernor and the Legislative Assembly under ORS chapter 291. The establish-  
4 ment by state agencies of rental rates for real property or facilities pursuant  
5 to this section shall be on a biennial basis as part of the budget development  
6 process, but modification of the rates may be made during the interim be-  
7 tween legislative sessions after a report to the Emergency Board of the pro-  
8 posed rate modification.

9 **“SECTION 14.** ORS 284.706 is amended to read:

10 “284.706. (1) There is created the Oregon Innovation Council consisting  
11 of the following voting members:

12 “(a) The Governor or the Governor’s designated representative, who shall  
13 be chairperson of the council.

14 “(b) Seven members appointed by the Governor who are experienced en-  
15 trepreneurs or investors or are engaged in the operations of Oregon traded  
16 sector industries or Oregon growth businesses.

17 “(c) One member appointed by the Governor who is a representative of  
18 an Oregon-based, generally accredited, not-for-profit private institution of  
19 higher education.

20 “(d) One member appointed by the Governor who is a representative of  
21 an Oregon-based, generally accredited [*public institution of higher education*  
22 *as defined in ORS 284.633*] **community college or public university listed**  
23 **in ORS 352.002.**

24 “(e) A member of the Oregon Growth Board, appointed by the board, who  
25 is experienced in making direct investments in new growth-based companies.

26 “(f) A private sector member of the Oregon Talent Council.

27 “(g) The Director or an executive officer of the Oregon Business Devel-  
28 opment Department.

29 “(h) The executive director of the Higher Education Coordinating Com-  
30 mission.

1       “(i) The State Treasurer.

2       “(2)(a) The Speaker of the House of Representatives shall appoint two  
3 members to the council who are members of the House of Representatives.

4       “(b) The President of the Senate shall appoint two members to the council  
5 who are members of the Senate.

6       “(c) Members of the Legislative Assembly appointed to the council are  
7 nonvoting members and may act in an advisory capacity only.

8       “(3) The presiding officer of the Oregon Business Development Commis-  
9 sion shall serve as an ex officio, nonvoting member of the council.

10       “(4) The term of office of each appointed voting member of the council is  
11 two years, but an appointed member serves at the pleasure of the appointing  
12 authority. Before the expiration of the term of an appointed voting member,  
13 the appointing authority shall appoint a successor whose term begins on July  
14 1 next following. An appointed member is eligible for reappointment for one  
15 additional term. If there is a vacancy for any cause, the appointing authority  
16 shall make an appointment to become immediately effective for the remain-  
17 der of the unexpired term.

18       “(5) A majority of the voting members of the council constitutes a quorum  
19 for the transaction of business.

20       “(6) Official action by the council requires the approval of a majority of  
21 the voting members of the council.

22       “(7) The council shall meet at least four times per fiscal year at a place,  
23 day and time determined by the chairperson. The council may also meet at  
24 other times and places specified by a call of the chairperson or by written  
25 request of a majority of the voting members of the council.

26       “(8) The council may adopt rules necessary for the operation of the  
27 council.

28       “(9) The council shall establish an audit and accountability committee  
29 that shall monitor performance of council contracts and benchmark Oregon’s  
30 performance against nationally accepted innovation metrics.

1 “(10) The council may establish other committees and delegate to the  
2 committees duties as the council considers desirable.

3 “(11) The Oregon Business Development Department shall provide staff  
4 support to the council.

5 “(12) Members of the council who are members of the Legislative Assem-  
6 bly are entitled to compensation and expense reimbursement as provided in  
7 ORS 171.072.

8 “(13) Members of the council who are not members of the Legislative  
9 Assembly are entitled to compensation and expenses incurred by them in the  
10 performance of their official duties in the manner and amounts provided for  
11 in ORS 292.495. Claims for compensation and expenses of members of the  
12 council who are public officers shall be paid out of funds appropriated to the  
13 public agency that employs the member. Claims for compensation and ex-  
14 penses of members of the council who are not public officers shall be paid  
15 out of funds appropriated to the Oregon Business Development Department  
16 for that purpose.

17 “(14) All agencies of state government, as defined in ORS 174.111, are di-  
18 rected to assist the council in the performance of its duties and, to the extent  
19 permitted by laws relating to confidentiality, to furnish such information and  
20 advice as the members of the council consider necessary to perform their  
21 duties.

22 **“SECTION 15. (1) The Oregon Progress Board Fund is abolished.**

23 **“(2) Any moneys remaining in the Oregon Progress Board Fund on**  
24 **the effective date of this 2017 Act shall be transferred to the General**  
25 **Fund and shall be available for expenditure for any purpose for which**  
26 **General Fund moneys may be expended.**

27 **“SECTION 16. ORS 131.910, 284.600, 284.604, 284.608, 284.612, 284.615,**  
28 **284.618, 284.622, 284.625, 284.628, 284.631, 284.633 and 284.635 are repealed.**

29

30 **“(Outdoor Youth Program Advisory Board)**

1       **SECTION 17. ORS 418.243 and 418.244 are repealed.**

2  
3                   **“(Public Officials Compensation Commission)”**

4  
5       **SECTION 18. ORS 292.907, 292.908, 292.912 and 292.917 are repealed.**

6  
7                   **“(Sensitive Review Committee)”**

8  
9       **SECTION 19. ORS 409.194 is amended to read:**

10       “409.194. (1) The Department of Human Services shall adopt rules estab-  
11 lishing a review process to carry out the policy expressed in ORS 409.192.

12       “(2) If the actions and conduct of the department are being addressed in  
13 a judicial or administrative proceeding, the review required by subsection (1)  
14 of this section may not be commenced or shall be stayed pending resolution  
15 of the judicial or administrative proceeding.

16       “[(3) *The Director of Human Services may convene a sensitive review com-  
17 mittee for the purpose of reviewing the actions and conduct of the  
18 department.*]

19       “[(4)(a) *The director may convene a sensitive review committee upon request  
20 of the President of the Senate or the Speaker of the House of  
21 Representatives.*]

22       “[(b) *The President shall appoint at least one state Senator and the Speaker  
23 shall appoint at least one state Representative to serve on a sensitive review  
24 committee convened pursuant to paragraph (a) of this subsection. The Presi-  
25 dent and the Speaker shall use reasonable efforts to ensure that the Senate,  
26 the House of Representatives and the majority and minority parties have bal-  
27 anced representation on the committee.*]

28       “[(c) *If the director convenes a sensitive review committee pursuant to this  
29 subsection, upon completion of its review, the committee shall develop findings  
30 and conclusions and make recommendations to the director regarding policies*”

1 *and practices. No more than 180 days after receiving the request from the*  
2 *President or the Speaker, the director shall submit to the President and the*  
3 *Speaker a written report containing the findings, conclusions and recommen-*  
4 *dations of the committee. Unless exempt from disclosure under ORS chapter*  
5 *192, the report shall be disclosed upon request to any member of the Legislative*  
6 *Assembly.]*

7 **“SECTION 20.** ORS 409.225 is amended to read:

8 “409.225. (1) In the interest of family privacy and for the protection of  
9 children, families and other recipients of services, the Department of Human  
10 Services shall not disclose or use the contents of any child welfare records,  
11 files, papers or communications that contain any information about an indi-  
12 vidual child, family or other recipient of services for purposes other than  
13 those directly connected with the administration of child welfare laws or  
14 unless required or authorized by ORS 419A.255 or 419B.035. The records,  
15 files, papers and communications are confidential and are not available for  
16 public inspection. General information, policy statements, statistical reports  
17 or similar compilations of data are not confidential unless such information  
18 is identified with an individual child, family or other recipient of services  
19 or protected by other provision of law.

20 “(2) Notwithstanding subsection (1) of this section, unless exempt from  
21 disclosure under ORS chapter 192, the department shall disclose child wel-  
22 fare records:

23 “(a) About a recipient of services, to the recipient if the recipient is 18  
24 years of age or older or is legally emancipated, unless prohibited by court  
25 order;

26 “(b) Regarding a specific individual if the individual gives written au-  
27 thorization to release confidential information;

28 “(c) Concerning a child receiving services on a voluntary basis, to the  
29 child’s parent or legal guardian;

30 “(d) To the juvenile court in proceedings regarding the child; and



1 “(e) Concerning a child who is or has been in the custody of the depart-  
2 ment, to the child’s parent or legal guardian except:

3 “(A) When the child objects; or

4 “(B) If disclosure would be contrary to the best interests of any child or  
5 could be harmful to the person caring for the child.

6 “(3) Notwithstanding subsection (1) of this section, unless exempt from  
7 disclosure under ORS chapter 192, the department shall disclose child wel-  
8 fare records, if in the best interests of the child, to[:]

9 “[*a*] treatment providers, foster parents, adoptive parents, school offi-  
10 cials or other persons providing services to the child or family to the extent  
11 that such disclosure is necessary to provide services to the child or  
12 family.[; or]

13 “[*b*] *A person designated as a member of a sensitive review committee*  
14 *convened by the Director of Human Services when the purpose of the committee*  
15 *is to determine whether the department acted appropriately and to make rec-*  
16 *ommendations to the department regarding policy and practice.]*

17 “(4) Any record disclosed under subsection (1), (2) or (3) of this section  
18 shall be kept confidential by the person or entity to whom the record is  
19 disclosed and shall be used only for the purpose for which disclosure was  
20 made.

21 “(5) Unless exempt from disclosure under ORS chapter 192, when an adult  
22 who is the subject of information made confidential by subsection (1) of this  
23 section publicly reveals or causes to be revealed any significant part of the  
24 confidential matter or information, the protections afforded by subsection (1)  
25 of this section are presumed voluntarily waived and confidential information  
26 about the person making or causing the public disclosure, not already dis-  
27 closed but related to the information made public, may be disclosed if dis-  
28 closure is in the best interests of the child or necessary to the administration  
29 of the child welfare laws.

30 “(6) Notwithstanding subsection (1) of this section, unless exempt from

1 disclosure under ORS chapter 192, the department shall disclose information  
2 related to the department’s activities and responsibilities in a case where  
3 child abuse or neglect has resulted in a child fatality or near fatality or  
4 where an adult has been charged with a crime related to child abuse or  
5 neglect.

6 “(7) Notwithstanding subsections (2), (3), (5) and (6) of this section, ORS  
7 192.501 (3) shall apply to investigatory information compiled for criminal law  
8 purposes that may be in the possession of the department.

9 “(8) As used in this section, ‘adult’ means a person who is 18 years of age  
10 or older.

11

12 **“(Special Legislative Committee on**  
13 **Public Education Appropriation)**

14

15 **“SECTION 21. ORS 171.857 is repealed.**

16

17 **“(Task Force on Military Families)**

18

19 **“SECTION 22. ORS 396.600 is repealed.**

20

21 **“(Western States Legislative Forestry Task Force)**

22

23 **“SECTION 23. ORS 171.860 is repealed.**

24

25 **“CAPTIONS**

26

27 **“SECTION 24. The unit captions used in this 2017 Act are provided**  
28 **only for the convenience of the reader and do not become part of the**  
29 **statutory law of this state or express any legislative intent in the**  
30 **enactment of this 2017 Act.”.**

