

DRAFT

SUMMARY

Directs Department of Public Safety Standards and Training to establish publicly available database of certain information about misconduct and discipline of public safety employees established by department.

Requires reporting of complaints, allegations, charges, disciplinary proceedings, certain judicial findings and prosecutorial determinations, suspensions and revocations of certification and certain resignations and terminations of public safety employees to department for inclusion in database.

Modifies crime of tampering with public records. Creates crime of recklessly tampering with public records, punishable by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Allows production of disciplinary records of public safety employees under public records law.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to records; creating new provisions; amending ORS 162.305, 181A.830 and 192.345; repealing section 3, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207); and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 4 of this 2020 second special session Act are added to and made a part of ORS 181A.355 to 181A.670.

SECTION 2. As used sections 2 to 4 of this 2020 second special session Act:

(1) "Disciplinary action" means a corrective or punitive action imposed by a law enforcement unit following an investigation into a public safety employee's alleged misconduct, other than a technical infraction, that deprives the employee of pay, rank, accrued time or

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 other pecuniary benefits or results in an internal departmental reas-
2 signment or administrative leave.

3 (2) "Disciplinary proceeding" means the commencement of any in-
4 vestigation and any subsequent hearing or other proceeding conducted
5 by a state or local law enforcement unit, the Department of Public
6 Safety Standards and Training, a citizen review body or any other
7 entity tasked with evaluating a complaint or charge against a public
8 safety employee.

9 (3) "Disciplinary records" means all records created in furtherance
10 of a disciplinary proceeding conducted by a state or local law
11 enforcement unit, the department, a citizen review body or any other
12 entity tasked with evaluating a complaint or charge against a public
13 safety employee, other than a complaint or charge based on a techni-
14 cal infraction, including, but not limited to:

15 (a) The complaints, allegations and charges against an employee;

16 (b) The name of the employee complained of or charged;

17 (c) All records, documents and files, in whatever form, related to
18 the investigation, adjudication and disposition of the complaint or
19 charge, that are not redacted under section 4 (7) of this 2020 second
20 special session Act;

21 (d) The transcript of any disciplinary proceeding, including any ex-
22 hibits introduced at the proceeding;

23 (e) Any finding by a state or local law enforcement unit, the de-
24 partment, a citizen review body or any other entity tasked with eval-
25 uating a complaint or charge against a public safety employee during
26 a disciplinary proceeding; and

27 (f) Any final written opinion or memorandum supporting either the
28 disposition and disciplinary action imposed, or the decision not to im-
29 pose disciplinary action, including the complete factual findings,
30 analysis of the conduct and appropriate discipline of the employee and
31 data documenting the basis of the disciplinary action or lack of disci-

plinary action, that is not redacted under section 4 (7) of this 2020 second special session Act.

(4) “Law enforcement unit” does not include a tribal government.

(5) “Public safety employee” means a certified reserve officer, corrections officer, parole and probation officer, police officer or youth correction officer.

(6) “Technical infraction” means a minor rule violation by a public safety employee, solely related to the enforcement of administrative departmental rules that:

(a) Does not involve interactions with members of the public;

(b) Is not otherwise connected to the employee’s investigative, enforcement, training, supervision or reporting responsibilities; and

(c) Does not involve deception, misrepresentation, dishonesty or intemperate behavior by the public safety employee.

SECTION 3. (1) The Department of Public Safety Standards and Training shall establish a statewide online database that includes but need not be not limited to:

(a) Complaints, allegations and charges relating to public safety employees, including complaints, allegations and charges of the use of excessive force, regardless of whether the complaint, allegation or charge resulted in a disciplinary proceeding;

(b) The existence, status and findings of any disciplinary proceeding;

(c) The existence, status and findings of any certification action taken by the department that relates to disciplinary proceedings against a public safety employee;

(d) The existence and status of any state or federal criminal charges against a public safety employee;

(e) The existence and status of any civil proceedings against a public safety employee related to conduct under color of law;

(f) The existence of any judicial finding or determination by the

1 Department of Justice or a prosecutor that a public safety employee
2 engaged in an act of deception, dishonesty or misrepresentation or
3 used excessive force; and

4 (g) Upon completion of an investigation of a complaint, allegation
5 or charge against a public safety employee, or if a public safety em-
6 ployee resigns or is terminated from employment while the complaint,
7 allegation or charge is pending, all data relating to the investigation
8 that is not redacted under section 4 (7) of this 2020 second special
9 session Act.

10 (2) The department shall publish the information required under
11 subsection (4) of this section by prominently posting the information
12 on the department's website for ease of public access within 10 days
13 after:

14 (a) The department receives a report of a complaint, allegation or
15 charge against a public safety employee under section 4 of this 2020
16 second special session Act;

17 (b) The department receives a report of the commencement of or a
18 finding in a disciplinary proceeding against a public safety employee
19 under section 4 of this 2020 second special session Act;

20 (c) The department receives a report of a disciplinary action taken
21 against a public safety employee under section 4 of this 2020 second
22 special session Act;

23 (d) The department receives notice of the existence of criminal
24 charges against a public safety employee;

25 (e) The department receives notice of the existence of civil charges
26 against a public safety employee related to conduct under color of law;

27 (f) The department receives notice from the Department of Justice
28 or a prosecutor of a judicial finding or a prosecutorial determination
29 that a public safety employee engaged in an act of deception, dishon-
30 esty or misrepresentation or used excessive force;

31 (g) The resignation or termination of a public safety employee

1 during an investigation or disciplinary or termination proceeding; or

2 (h) In the case of a suspension or revocation of certification under
3 ORS 181A.630, 181A.640 and 181A.650:

4 (A) The time for filing an appeal of the decision of the Department
5 of Public Safety Standards and Training under ORS 181A.650 has
6 passed and no appeal has been filed; or

7 (B) The decision of the department is appealed under ORS 181A.650
8 and the department's decision has been sustained by the Court of Ap-
9 peals or the appeal has been dropped.

10 (3)(a) Notwithstanding subsection (2) of this section, if the depart-
11 ment receives notice of a disciplinary action that is subject to arbi-
12 tration before becoming final, the department shall make the report
13 accessible only to law enforcement units until the arbitration process
14 is complete and the disciplinary action becomes final.

15 (b) Notwithstanding paragraph (a) of this subsection, the depart-
16 ment shall make a report available to the public before the arbitration
17 process is complete and the disciplinary action becomes final when the
18 department finds that it is in the public interest to disclose the report
19 or when the public safety employee is a witness in a court proceeding
20 related to the disciplinary action.

21 (c) Within 10 days after the department receives notice under sec-
22 tion 4 of this 2020 second special session Act that the arbitration pro-
23 cess is complete and the disciplinary action is final, the department
24 shall publish the report by prominently posting the information on the
25 department's website for ease of public access.

26 (4) When the department publishes information on the website un-
27 der subsection (2) of this section, the publication must include:

28 (a) The name of the public safety employee;

29 (b) The law enforcement unit at which the employee was employed;

30 (c) A description of the facts underlying the complaint, allegation,
31 charge, disciplinary proceeding, judicial finding, prosecutorial deter-

mination, suspension, revocation, resignation or termination; and

(d) All findings underlying the complaint, allegation, charge, disciplinary proceeding, judicial finding, prosecutorial determination, suspension, revocation, resignation or termination.

(5) No later than September 1 of each year, the department shall submit a report to an appropriate committee of the Legislative Assembly summarizing and analyzing the data in the database. The report must include, for the previous 12 months:

(a) The number of reports of disciplinary action received by the department under section 4 of this 2020 second special session Act.

(b) Analysis of the types of complaints, allegations or charges that were filed against public safety employees.

(c) Analysis of the types of misconduct that resulted in disciplinary action.

(d) Analysis of the types of discipline that were reversed in arbitration.

(6) The department shall retain all records entered into the database for at least 30 years after the date of entry into the database.

(7) A person may not destroy a record subject to this section before the record is included in the database.

(8)(a) If a public safety employee disagrees with the accuracy of the contents of the database, the public safety employee may request that the department correct or remove the portion of the record believed to be incorrect. The request must be made in writing using a form developed by the department and available on the department's publicly accessible website. The department shall provide the employee with a written response to the request, including the reasons for correction or removal of a portion of the record or for the refusal to correct or remove a portion of the record.

(b) If the department and the public safety employee cannot reach an agreement on the contents of the record, the employee may submit

1 a written statement explaining the employee's position and the basis
2 for the disagreement, and the department shall include the statement
3 in the database.

4 **SECTION 4.** (1) Within 10 days after a law enforcement unit re-
5 ceives a complaint or charge against a public safety employee, the law
6 enforcement unit shall report the complaint or charge to the Depart-
7 ment of Public Safety Standards and Training.

8 (2) Within 72 hours after a law enforcement unit is notified by a
9 public safety employee of the existence of federal or state criminal
10 charges against the employee, the law enforcement unit shall notify
11 the department.

12 (3) Within 72 hours after a law enforcement unit is notified by a
13 public safety employee of the existence of civil proceedings against the
14 employee related to conduct under color of law, the law enforcement
15 unit shall notify the department.

16 (4) Within 10 days after a law enforcement unit makes a decision
17 to impose disciplinary action on a public safety employee or a decision
18 not to impose disciplinary action on a public safety employee, the law
19 enforcement unit shall send a report to the department. The report
20 must include:

21 (a) The name and rank of the employee;

22 (b) A detailed explanation of the decision;

23 (c) A detailed explanation of the consequences resulting from a de-
24 cision to impose disciplinary action;

25 (d) A detailed explanation of the reason for the disciplinary action
26 or lack of disciplinary action; and

27 (e) The current status of the disciplinary action and any related
28 arbitration proceedings.

29 (5) Within 10 days after a judicial finding or a determination by the
30 Department of Justice or a prosecutor that a public safety employee
31 engaged in an act of deception, dishonesty or misrepresentation or

1 used excessive force, the Department of Justice or the prosecutor shall
2 send a report of the finding or determination to the Department of
3 Public Safety Standards and Training. The report must include:

4 (a) The name and rank of the employee; and

5 (b) A detailed explanation of the finding or determination, including
6 complete factual findings and the basis for making the determination.

7 (6) If a disciplinary action is subject to arbitration, the law
8 enforcement unit shall promptly notify the department of the outcome
9 when the arbitration process is complete.

10 (7) A law enforcement unit shall redact from disciplinary records
11 the following information prior to disclosing records to the depart-
12 ment:

13 (a) Items involving the medical history of a public safety employee,
14 not including records obtained during the course of a unit's investi-
15 gation of the employee's misconduct that are relevant to the disposi-
16 tion of the investigation.

17 (b) The home addresses, personal telephone numbers, personal cel-
18 lular telephone numbers and personal electronic mail addresses of a
19 public safety employee or a family member of a public safety em-
20 ployee, a complainant or any other person named in a disciplinary
21 record.

22 (c) Social security numbers.

23 (d) Records of the use of an employee assistance program, mental
24 health service or substance abuse assistance service by a public safety
25 employee, unless the use is mandated by a disciplinary proceeding that
26 may otherwise be disclosed under this section.

27 SECTION 5. (1) Each law enforcement unit shall begin reporting as
28 required by section 4 of this 2020 second special session Act as follows:

29 (a) A law enforcement unit that employs 100 or more public safety
30 employees shall begin reporting no later than July 1, 2021.

31 (b) A law enforcement unit that employs at least 25 and not more

1 **than 99 public safety employees shall begin reporting no later than**
2 **July 1, 2022.**

3 **(c) A law enforcement unit that employs between at least one and**
4 **not more than 24 public safety employees shall begin reporting no later**
5 **than July 1, 2023.**

6 **(2) Each law enforcement unit that holds historical information on**
7 **active public safety employees that would have been required to be**
8 **reported under section 4 of this 2020 second special session Act shall**
9 **report the historical information to the Department of Public Safety**
10 **Standards and Training annually in five-year increments, beginning**
11 **with most recent historical information, as follows:**

12 **(a) A law enforcement unit that employs 100 or more public safety**
13 **employees shall begin reporting five-year increments of historical in-**
14 **formation no later than July 1, 2022.**

15 **(b) A law enforcement unit that employs at least 25 and not more**
16 **than 99 public safety employees shall begin reporting five-year incre-**
17 **ments of historical information no later than July 1, 2023.**

18 **(c) A law enforcement unit that employs at least one and not more**
19 **than 24 public safety employees shall begin reporting five-year incre-**
20 **ments of historical information no later than July 1, 2024.**

21 **SECTION 6.** ORS 162.305 is amended to read:

22 162.305. (1)(a) A person commits the crime of tampering with public re-
23 cords if, without lawful authority, the person knowingly destroys, mutilates,
24 conceals, removes, makes a false entry in or falsely alters any public record,
25 **or knowingly directs another to destroy, mutilate, conceal, remove,**
26 **make a false entry in or falsely alter any public record,** including re-
27 cords relating to the Oregon State Lottery.

28 [(2)(a)] **(b)** Except as provided in paragraph [(b)] (c) of this subsection,
29 tampering with public records is a Class A misdemeanor.

30 [(b)] **(c)** Tampering with records relating to the Oregon State Lottery is
31 a Class C felony.

(2)(a) A person commits the crime of recklessly tampering with public records if, without lawful authority, the person recklessly destroys, mutilates, conceals, removes, makes a false entry in or falsely alters any public record, or recklessly directs another to destroy, mutilate, conceal, remove, make a false entry in or falsely alter any public record, including records relating to the Oregon State Lottery.

(b) Except as provided in paragraph (c) of this subsection, recklessly tampering with public records is a Class C misdemeanor.

(c) Recklessly tampering with public records relating to the Oregon State Lottery is a Class A misdemeanor.

SECTION 7. ORS 181A.830, as amended by section 5, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207), is amended to read:

181A.830. (1) As used in this section:

(a) "Public body" has the meaning given that term in ORS 192.311.

(b) "Public safety employee" means a certified reserve officer, corrections officer, parole and probation officer, police officer or youth correction officer as those terms are defined in ORS 181A.355.

(2) A public body may not disclose a photograph of a public safety employee of the public body without the written consent of the employee. This subsection does not apply to the use by the public body of a photograph of a public safety employee.

[(3) A public body may not disclose information about a personnel investigation of a public safety employee of the public body if the investigation does not result in discipline of the employee.]

[(4) Subsection (3) of this section does not apply:]

[(a) When the public interest requires disclosure of the information.]

[(b) When the employee consents to disclosure in writing.]

[(c) When disclosure is necessary for an investigation by the public body, the Department of Public Safety Standards and Training or a citizen review body designated by the public body.]

1 *[(d) To disclosures required under section 4, chapter 7, Oregon Laws 2020*
2 *(first special session) (Enrolled House Bill 4207).]*

3 *[(e) When the public body determines that nondisclosure of the information*
4 *would adversely affect the confidence of the public in the public body.]*

5 *[(5) If an investigation of a public safety employee of a public body results*
6 *from a complaint, the public body may disclose to the complainant the dispo-*
7 *sition of the complaint and, to the extent the public body considers necessary*
8 *to explain the action of the public body on the complaint, a written summary*
9 *of information obtained in the investigation.]*

10 [(6)] (3) A public body must notify a public safety employee of the public
11 body if the public body receives a request for:

12 (a) A photograph of the employee.

13 (b) Information about the employee that is exempt from disclosure under
14 ORS 192.345 or 192.355 (2) or (3).

15 *[(c) Information about the employee that is prohibited from disclosure by*
16 *subsection (3) of this section.]*

17 **SECTION 8.** ORS 192.345 is amended to read:

18 192.345. The following public records are exempt from disclosure under
19 ORS 192.311 to 192.478 unless the public interest requires disclosure in the
20 particular instance:

21 (1) Records of a public body pertaining to litigation to which the public
22 body is a party if the complaint has been filed, or if the complaint has not
23 been filed, if the public body shows that such litigation is reasonably likely
24 to occur. This exemption does not apply to litigation which has been con-
25 cluded, and nothing in this subsection shall limit any right or opportunity
26 granted by discovery or deposition statutes to a party to litigation or po-
27 tential litigation.

28 (2) Trade secrets. "Trade secrets," as used in this section, may include,
29 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
30 compound, procedure, production data, or compilation of information which
31 is not patented, which is known only to certain individuals within an or-

ganization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records

1 or catch records, or similar business records of a private concern or enter-
2 prise, required by law to be submitted to or inspected by a governmental
3 body to allow it to determine fees or assessments payable or to establish
4 production quotas, and the amounts of such fees or assessments payable or
5 paid, to the extent that such information is in a form that would permit
6 identification of the individual concern or enterprise. This exemption does
7 not include records submitted by long term care facilities as defined in ORS
8 442.015 to the state for purposes of reimbursement of expenses or determining
9 fees for patient care. Nothing in this subsection shall limit the use that can
10 be made of such information for regulatory purposes or its admissibility in
11 any enforcement proceeding.

12 (6) Information relating to the appraisal of real estate prior to its acqui-
13 sition.

14 (7) The names and signatures of employees who sign authorization cards
15 or petitions for the purpose of requesting representation or decertification
16 elections.

17 (8) Investigatory information relating to any complaint filed under ORS
18 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
19 659A.835, or a final order is issued under ORS 659A.850.

20 (9) Investigatory information relating to any complaint or charge filed
21 under ORS 243.676 and 663.180.

22 (10) Records, reports and other information received or compiled by the
23 Director of the Department of Consumer and Business Services under ORS
24 697.732.

25 (11) Information concerning the location of archaeological sites or objects
26 as those terms are defined in ORS 358.905, except if the governing body of
27 an Indian tribe requests the information and the need for the information is
28 related to that Indian tribe's cultural or religious activities. This exemption
29 does not include information relating to a site that is all or part of an ex-
30 isting, commonly known and publicized tourist facility or attraction.

31 (12) A personnel discipline action, or materials or documents supporting

1 that action, **except for disciplinary records as defined in section 2 of**
2 **this 2020 second special session Act.**

3 (13) Fish and wildlife information:

4 (a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192
5 and 564.100, regarding the habitat, location or population of any threatened
6 species or endangered species; or

7 (b) Described in section 2, chapter 532, Oregon Laws 2019.

8 (14) Writings prepared by or under the direction of faculty of public ed-
9 ucational institutions, in connection with research, until publicly released,
10 copyrighted or patented.

11 (15) Computer programs developed or purchased by or for any public body
12 for its own use. As used in this subsection, "computer program" means a
13 series of instructions or statements which permit the functioning of a com-
14 puter system in a manner designed to provide storage, retrieval and manip-
15 ulation of data from such computer system, and any associated
16 documentation and source material that explain how to operate the computer
17 program. "Computer program" does not include:

18 (a) The original data, including but not limited to numbers, text, voice,
19 graphics and images;

20 (b) Analyses, compilations and other manipulated forms of the original
21 data produced by use of the program; or

22 (c) The mathematical and statistical formulas which would be used if the
23 manipulated forms of the original data were to be produced manually.

24 (16) Data and information provided by participants to mediation under
25 ORS 36.256.

26 (17) Investigatory information relating to any complaint or charge filed
27 under ORS chapter 654, until a final administrative determination is made
28 or, if a citation is issued, until an employer receives notice of any citation.

29 (18) Specific operational plans in connection with an anticipated threat
30 to individual or public safety for deployment and use of personnel and
31 equipment, prepared or used by a public body, if public disclosure of the

plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

1 (e) Articles of incorporation, partnership agreements and operating
2 agreements;

3 (f) Commitment letters;

4 (g) Project pro forma statements;

5 (h) Project cost certifications and cost data;

6 (i) Audits;

7 (j) Project tenant correspondence requested to be confidential;

8 (k) Tenant files relating to certification; and

9 (L) Housing assistance payment requests.

10 (22) Records or information that, if disclosed, would allow a person to:

11 (a) Gain unauthorized access to buildings or other property;

12 (b) Identify those areas of structural or operational vulnerability that
13 would permit unlawful disruption to, or interference with, services; or

14 (c) Disrupt, interfere with or gain unauthorized access to public funds or
15 to information processing, communication or telecommunication systems, in-
16 cluding the information contained in the systems, that are used or operated
17 by a public body.

18 (23) Records or information that would reveal or otherwise identify secu-
19 rity measures, or weaknesses or potential weaknesses in security measures,
20 taken or recommended to be taken to protect:

21 (a) An individual;

22 (b) Buildings or other property;

23 (c) Information processing, communication or telecommunication systems,
24 including the information contained in the systems; or

25 (d) Those operations of the Oregon State Lottery the security of which
26 are subject to study and evaluation under ORS 461.180 (6).

27 (24) Personal information held by or under the direction of officials of the
28 Oregon Health and Science University or a public university listed in ORS
29 352.002 about a person who has or who is interested in donating money or
30 property to the Oregon Health and Science University or a public university,
31 if the information is related to the family of the person, personal assets of

1 the person or is incidental information not related to the donation.

2 (25) The home address, professional address and telephone number of a
3 person who has or who is interested in donating money or property to a
4 public university listed in ORS 352.002.

5 (26) Records of the name and address of a person who files a report with
6 or pays an assessment to a commodity commission established under ORS
7 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
8 Oregon Wheat Commission created under ORS 578.030.

9 (27) Information provided to, obtained by or used by a public body to au-
10 thorize, originate, receive or authenticate a transfer of funds, including but
11 not limited to a credit card number, payment card expiration date, password,
12 financial institution account number and financial institution routing num-
13 ber.

14 (28) Social Security numbers as provided in ORS 107.840.

15 (29) The electronic mail address of a student who attends a public uni-
16 versity listed in ORS 352.002 or Oregon Health and Science University.

17 (30) The name, home address, professional address or location of a person
18 that is engaged in, or that provides goods or services for, medical research
19 at Oregon Health and Science University that is conducted using animals
20 other than rodents. This subsection does not apply to Oregon Health and
21 Science University press releases, websites or other publications circulated
22 to the general public.

23 (31) If requested by a public safety officer, as defined in ORS 181A.355,
24 or a county juvenile department employee who is charged with and primarily
25 performs duties related to the custody, control or supervision of youth
26 offenders confined in a detention facility, as defined in ORS 419A.004:

27 (a) The home address and home telephone number of the public safety
28 officer or county juvenile department employee contained in the voter reg-
29 istration records for the officer or employee.

30 (b) The home address and home telephone number of the public safety
31 officer or county juvenile department employee contained in records of the

Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records.

This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, "civil code enforcement officer" means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from

a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

SECTION 9. ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include,

1 but are not limited to, any formula, plan, pattern, process, tool, mechanism,
2 compound, procedure, production data, or compilation of information which
3 is not patented, which is known only to certain individuals within an or-
4 ganization and which is used in a business it conducts, having actual or
5 potential commercial value, and which gives its user an opportunity to ob-
6 tain a business advantage over competitors who do not know or use it.

7 (3) Investigatory information compiled for criminal law purposes. The re-
8 cord of an arrest or the report of a crime shall be disclosed unless and only
9 for so long as there is a clear need to delay disclosure in the course of a
10 specific investigation, including the need to protect the complaining party
11 or the victim. Nothing in this subsection shall limit any right constitu-
12 tionally guaranteed, or granted by statute, to disclosure or discovery in
13 criminal cases. For purposes of this subsection, the record of an arrest or the
14 report of a crime includes, but is not limited to:

15 (a) The arrested person's name, age, residence, employment, marital status
16 and similar biographical information;

17 (b) The offense with which the arrested person is charged;

18 (c) The conditions of release pursuant to ORS 135.230 to 135.290;

19 (d) The identity of and biographical information concerning both com-
20 plaining party and victim;

21 (e) The identity of the investigating and arresting agency and the length
22 of the investigation;

23 (f) The circumstances of arrest, including time, place, resistance, pursuit
24 and weapons used; and

25 (g) Such information as may be necessary to enlist public assistance in
26 apprehending fugitives from justice.

27 (4) Test questions, scoring keys, and other data used to administer a li-
28 censing examination, employment, academic or other examination or testing
29 procedure before the examination is given and if the examination is to be
30 used again. Records establishing procedures for and instructing persons ad-
31 ministering, grading or evaluating an examination or testing procedure are

1 included in this exemption, to the extent that disclosure would create a risk
2 that the result might be affected.

3 (5) Information consisting of production records, sale or purchase records
4 or catch records, or similar business records of a private concern or enter-
5 prise, required by law to be submitted to or inspected by a governmental
6 body to allow it to determine fees or assessments payable or to establish
7 production quotas, and the amounts of such fees or assessments payable or
8 paid, to the extent that such information is in a form that would permit
9 identification of the individual concern or enterprise. This exemption does
10 not include records submitted by long term care facilities as defined in ORS
11 442.015 to the state for purposes of reimbursement of expenses or determining
12 fees for patient care. Nothing in this subsection shall limit the use that can
13 be made of such information for regulatory purposes or its admissibility in
14 any enforcement proceeding.

15 (6) Information relating to the appraisal of real estate prior to its acqui-
16 sition.

17 (7) The names and signatures of employees who sign authorization cards
18 or petitions for the purpose of requesting representation or decertification
19 elections.

20 (8) Investigatory information relating to any complaint filed under ORS
21 659A.820 or 659A.825, until such time as the complaint is resolved under ORS
22 659A.835, or a final order is issued under ORS 659A.850.

23 (9) Investigatory information relating to any complaint or charge filed
24 under ORS 243.676 and 663.180.

25 (10) Records, reports and other information received or compiled by the
26 Director of the Department of Consumer and Business Services under ORS
27 697.732.

28 (11) Information concerning the location of archaeological sites or objects
29 as those terms are defined in ORS 358.905, except if the governing body of
30 an Indian tribe requests the information and the need for the information is
31 related to that Indian tribe's cultural or religious activities. This exemption

1 does not include information relating to a site that is all or part of an ex-
2 isting, commonly known and publicized tourist facility or attraction.

3 (12) A personnel discipline action, or materials or documents supporting
4 that action, **except for disciplinary records as defined in section 2 of**
5 **this 2020 second special session Act.**

6 (13) Fish and wildlife information developed pursuant to ORS 496.004,
7 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, lo-
8 cation or population of any threatened species or endangered species.

9 (14) Writings prepared by or under the direction of faculty of public ed-
10 ucational institutions, in connection with research, until publicly released,
11 copyrighted or patented.

12 (15) Computer programs developed or purchased by or for any public body
13 for its own use. As used in this subsection, "computer program" means a
14 series of instructions or statements which permit the functioning of a com-
15 puter system in a manner designed to provide storage, retrieval and manip-
16 ulation of data from such computer system, and any associated
17 documentation and source material that explain how to operate the computer
18 program. "Computer program" does not include:

19 (a) The original data, including but not limited to numbers, text, voice,
20 graphics and images;

21 (b) Analyses, compilations and other manipulated forms of the original
22 data produced by use of the program; or

23 (c) The mathematical and statistical formulas which would be used if the
24 manipulated forms of the original data were to be produced manually.

25 (16) Data and information provided by participants to mediation under
26 ORS 36.256.

27 (17) Investigatory information relating to any complaint or charge filed
28 under ORS chapter 654, until a final administrative determination is made
29 or, if a citation is issued, until an employer receives notice of any citation.

30 (18) Specific operational plans in connection with an anticipated threat
31 to individual or public safety for deployment and use of personnel and

equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public university,

1 if the information is related to the family of the person, personal assets of
2 the person or is incidental information not related to the donation.

3 (25) The home address, professional address and telephone number of a
4 person who has or who is interested in donating money or property to a
5 public university listed in ORS 352.002.

6 (26) Records of the name and address of a person who files a report with
7 or pays an assessment to a commodity commission established under ORS
8 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the
9 Oregon Wheat Commission created under ORS 578.030.

10 (27) Information provided to, obtained by or used by a public body to au-
11 thorize, originate, receive or authenticate a transfer of funds, including but
12 not limited to a credit card number, payment card expiration date, password,
13 financial institution account number and financial institution routing num-
14 ber.

15 (28) Social Security numbers as provided in ORS 107.840.

16 (29) The electronic mail address of a student who attends a public uni-
17 versity listed in ORS 352.002 or Oregon Health and Science University.

18 (30) The name, home address, professional address or location of a person
19 that is engaged in, or that provides goods or services for, medical research
20 at Oregon Health and Science University that is conducted using animals
21 other than rodents. This subsection does not apply to Oregon Health and
22 Science University press releases, websites or other publications circulated
23 to the general public.

24 (31) If requested by a public safety officer, as defined in ORS 181A.355,
25 or a county juvenile department employee who is charged with and primarily
26 performs duties related to the custody, control or supervision of youth
27 offenders confined in a detention facility, as defined in ORS 419A.004:

28 (a) The home address and home telephone number of the public safety
29 officer or county juvenile department employee contained in the voter reg-
30 istration records for the officer or employee.

31 (b) The home address and home telephone number of the public safety

officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation

pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but

not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, "civil code enforcement officer" means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer's operation of a video camera worn upon the officer's person that records the officer's interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court's record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

SECTION 10. Section 3, chapter 7, Oregon Laws 2020 (first special session) (Enrolled House Bill 4207), is repealed.

SECTION 11. Sections 1 to 5 of this 2020 second special session Act and the amendments to ORS 181A.830 and 192.345 by sections 7 to 9 of this 2020 second special session Act do not affect a collective bargaining agreement entered into before the effective date of this 2020 second special session Act, to the extent compliance with the provisions of section 3 of this 2020 second special session Act would conflict with or impair the execution of the terms of the collective bargaining agreement.

SECTION 12. (1) Section 3 of this 2020 second special session Act becomes operative on July 1, 2021.

(2) The Department of Public Safety Standards and Training may take any action before the operative date specified in subsection (1) of this section to enable the department, on and after the operative date specified in subsection (1) of this section, to exercise all the duties, functions and powers conferred on the department by section 3 of this 2020 second special session Act.

SECTION 13. This 2020 second special session Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2020 second special session Act takes effect on its passage.