

House Bill 2931

Sponsored by Representative GOMBERG

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Defines "news" and "news media" for purposes of attendance at public meeting held in executive session. Authorizes local government and local service district public bodies to adopt policies that further define "news media" consistent with statutory definition, and to require news organizations to agree to ethical standards of certain associations of news providers or reporters in order to attend executive session.

A BILL FOR AN ACT

1
2 Relating to attendance at public meetings held in executive session; amending ORS 192.660.

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

4 **SECTION 1.** ORS 192.660, as amended by section 11, chapter 50, Oregon Laws 2018, is amended
5 to read:

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

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

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

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

14 (c) To consider matters pertaining to the function of the medical staff of a public hospital li-
15 censed pursuant to ORS 441.015 to 441.087 and 441.196 including, but not limited to, all clinical
16 committees, executive, credentials, utilization review, peer review committees and all other matters
17 relating to medical competency in the hospital.

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

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

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

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

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

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

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

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 (k) To consider matters relating to school safety or a plan that responds to safety threats made
2 toward a school.

3 (L) If the governing body is a health professional regulatory board, to consider information ob-
4 tained as part of an investigation of licensee or applicant conduct.

5 (m) If the governing body is the State Landscape Architect Board, or an advisory committee to
6 the board, to consider information obtained as part of an investigation of registrant or applicant
7 conduct.

8 (n) To discuss information about review or approval of programs relating to the security of any
9 of the following:

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

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

13 (C) Generation, storage or conveyance of:

14 (i) Electricity;

15 (ii) Gas in liquefied or gaseous form;

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

17 (iv) Petroleum products;

18 (v) Sewage; or

19 (vi) Water.

20 (D) Telecommunication systems, including cellular, wireless or radio systems.

21 (E) Data transmissions by whatever means provided.

22 (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides
23 request that negotiations be conducted in executive session. Labor negotiations conducted in exec-
24 utive session are not subject to the notification requirements of ORS 192.640.

25 (4)(a) Representatives of the news media shall be allowed to attend executive sessions other
26 than those held under subsection (2)(d) of this section relating to labor negotiations or executive
27 session held pursuant to ORS 332.061 (2) but the governing body may require that specified infor-
28 mation be undisclosed.

29 **(b) As used in this section:**

30 **(A) "News" means factual information about current events.**

31 **(B) "News media":**

32 **(i) Means a person that publishes, broadcasts or disseminates news to the public and that**
33 **ordinarily and customarily reports on the activities of the public body that is holding the**
34 **executive session or that ordinarily and customarily reports news on matters under consid-**
35 **eration by the public body holding the executive session; and**

36 **(ii) Does not include a person or representative of a person that is directly involved in**
37 **the matter that is under consideration in the executive session.**

38 **(c) In the case of a public body that is a local government or local service district, as**
39 **those terms are defined in ORS 174.116, the public body may:**

40 **(A) Further define what constitutes news media under this section, provided the defi-**
41 **inition is consistent with this section; and**

42 **(B) Require each news media organization that seeks to attend an executive session of**
43 **the public body to agree to adhere to the adopted ethical standards of a statewide association**
44 **of news providers in this state or to require its employees to adhere to the adopted ethical**
45 **standards of a statewide or national association of news reporters.**

1 (5) When a governing body convenes an executive session under subsection (2)(h) of this section
2 relating to conferring with counsel on current litigation or litigation likely to be filed, the governing
3 body shall bar any member of the news media from attending the executive session if the member
4 of the news media is a party to the litigation or is an employee, agent or contractor of a news media
5 organization that is a party to the litigation.

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

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

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

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

11 (c) The consideration of general employment policies.

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

14 (A) The public body has advertised the vacancy;

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

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

18 (D) In the case of a chief executive officer, the governing body has adopted hiring standards,
19 criteria and policy directives in meetings open to the public in which the public has had the op-
20 portunity to comment on the standards, criteria and policy directives.

21 (8) A governing body may not use an executive session for purposes of evaluating a chief execu-
22 tive officer or other officer, employee or staff member to conduct a general evaluation of an agency
23 goal, objective or operation or any directive to personnel concerning agency goals, objectives, op-
24 erations or programs.

25 (9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

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

29 (b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to
30 the substance and disposition of registrant or applicant conduct investigated by the State Landscape
31 Architect Board or an advisory committee to the board.

32 (10) Notwithstanding ORS 244.290, the Oregon Government Ethics Commission may not adopt
33 rules that establish what entities are considered representatives of the news media that are entitled
34 to attend executive sessions under subsection (4) of this section.

35