

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 1522**

1 On page 1 of the printed bill, line 2, after “ORS” insert “192.660,”.

2 On page 7, after line 30, insert:

3 **“SECTION 6.** ORS 192.660 is amended to read:

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

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

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

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

14 **“(c) To consider the dismissal or disciplining of, or to hear com-
15 plaints or charges brought against, a public officer, an employee, a
16 staff member or an individual agent of a public education provider if
17 the subject is allegations of sexual violence, sexual conduct or sexual
18 harassment and the individual or individuals aggrieved by the alleged
19 conduct do not request an open hearing.**

20 “[~~(c)~~] (d) To consider matters pertaining to the function of the medical
21 staff of a public hospital licensed pursuant to ORS 441.015 to 441.087 in-

1 cluding, but not limited to, all clinical committees, executive, credentials,
2 utilization review, peer review committees and all other matters relating to
3 medical competency in the hospital.

4 “[(d)] (e) To conduct deliberations with persons designated by the gov-
5 erning body to carry on labor negotiations.

6 “[(e)] (f) To conduct deliberations with persons designated by the gov-
7 erning body to negotiate real property transactions.

8 “[(f)] (g) To consider information or records that are exempt by law from
9 public inspection.

10 “[(g)] (h) To consider preliminary negotiations involving matters of trade
11 or commerce in which the governing body is in competition with governing
12 bodies in other states or nations.

13 “[(h)] (i) To consult with counsel concerning the legal rights and duties
14 of a public body with regard to current litigation or litigation likely to be
15 filed.

16 “[(i)] (j) To review and evaluate the employment-related performance of
17 the chief executive officer of any public body, a public officer, employee or
18 staff member who does not request an open hearing.

19 “[(j)] (k) To carry on negotiations under ORS chapter 293 with private
20 persons or businesses regarding proposed acquisition, exchange or liqui-
21 dation of public investments.

22 “[(k)] (l) To consider matters relating to school safety or a plan that
23 responds to safety threats made toward a school.

24 “[(L)] (m) If the governing body is a health professional regulatory board,
25 to consider information obtained as part of an investigation of licensee or
26 applicant conduct.

27 “[(m)] (n) If the governing body is the State Landscape Architect Board,
28 or an advisory committee to the board, to consider information obtained as
29 part of an investigation of registrant or applicant conduct.

30 “[(n)] (o) To discuss information about review or approval of programs

1 relating to the security of any of the following:

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

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

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

6 “(i) Electricity;

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

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

9 “(iv) Petroleum products;

10 “(v) Sewage; or

11 “(vi) Water.

12 “(D) Telecommunication systems, including cellular, wireless or radio
13 systems.

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

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

19 “(4) Representatives of the news media shall be allowed to attend execu-
20 tive sessions other than those held under subsection [(2)(d)] **(2)(e)** of this
21 section relating to labor negotiations or executive session held pursuant to
22 ORS 332.061 (2) but the governing body may require that specified informa-
23 tion be undisclosed.

24 “(5) When a governing body convenes an executive session under sub-
25 section [(2)(h)] **(2)(i)** of this section relating to conferring with counsel on
26 current litigation or litigation likely to be filed, the governing body shall
27 bar any member of the news media from attending the executive session if
28 the member of the news media is a party to the litigation or is an employee,
29 agent or contractor of a news media organization that is a party to the liti-
30 gation.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 “(b) ORS 671.338 governs the public disclosure of minutes, transcripts or
30 recordings relating to the substance and disposition of registrant or appli-

1 cant conduct investigated by the State Landscape Architect Board or an ad-
2 visory committee to the board.

3 “(10) Notwithstanding ORS 244.290, the Oregon Government Ethics Com-
4 mission may not adopt rules that establish what entities are considered rep-
5 resentatives of the news media that are entitled to attend executive sessions
6 under subsection (4) of this section.”.

7 In line 31, delete “6” and insert “7”.

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