

Requested by Representative SCHARF

**PROPOSED AMENDMENTS TO
HOUSE BILL 4059**

1 In line 2 of the printed bill, after “District” insert “; creating new pro-
2 visions; amending ORS 192.355; repealing sections 1, 2, 3 and 4, chapter 370,
3 Oregon Laws 2023; and declaring an emergency”.

4 Delete lines 4 through 8 and insert:
5

6 **“BRASSICA PRODUCTION THROUGH MARCH 31, 2025**
7

8 **“SECTION 1. Sections 1, 2, 3 and 4, chapter 370, Oregon Laws 2023,**
9 **are repealed.**

10 **“SECTION 2. (1) As used in this section:**

11 **“(a) ‘Canola’ means plants of the species *Brassica napus*:**

12 **“(A) In which seeds having a high oil content are the primary eco-
13 nomically valuable product; and**

14 **“(B) That have a high erucic acid content suitable for industrial
15 uses or a low erucic acid content suitable for edible oils.**

16 **“(b) ‘Willamette Valley Protected District’ means the area encom-
17 passed within a rectangle formed by the point in Tillamook County
18 that is the northwest corner of township 1 north, range 6 west, the
19 point in Multnomah County that is the most northeastern point of
20 township 1 north, range 2 east within Oregon, the point in Lane
21 County that is the southeast corner of township 19 south, range 2 east**

1 and the point in Lane County that is the southwest corner of township
2 19 south, range 6 west.

3 “(2) A person growing canola within the Willamette Valley Pro-
4 tected District must receive prior approval by license from the State
5 Department of Agriculture.

6 “(3) The department may:

7 “(a) Authorize a person to grow canola within the Willamette Val-
8 ley Protected District only in a manner determined to be compatible
9 with the growing of other crops, including but not limited to the
10 maintenance of isolation distances between canola and other crops
11 that equal or exceed the industry-recommended isolation distance be-
12 tween specialty seed crops of the genus Brassica and other crops.

13 “(b) Authorize canola production within the Willamette Valley
14 Protected District, not to exceed:

15 “(A) For genetically engineered canola, 500 acres.

16 “(B) For all canola, 2,500 acres.

17 “(4) The department may assess a civil penalty, not to exceed
18 \$25,000, against a person that violates subsection (2) of this section or
19 the terms of a license issued under this section.

20 “SECTION 3. Section 2 of this 2024 Act is repealed on March 31,
21 2025.

22

23 “BRASSICA PRODUCTION AFTER MARCH 31, 2025

24

25 “SECTION 4. (1) Sections 5 to 8 of this 2024 Act and the amend-
26 ments to ORS 192.355 by section 11 of this 2024 Act become operative
27 on April 1, 2025.

28 “(2) The State Department of Agriculture may take any actions
29 necessary before the operative date specified in subsection (1) of this
30 section to exercise, on and after the operative date specified in sub-

1 section (1) of this section, all of the duties, functions and powers
2 conferred on the department under sections 5 to 8 of this 2024 Act and
3 the amendments to ORS 192.355 by section 11 of this 2024 Act.

4 **“SECTION 5. As used in sections 5 to 8 of this 2024 Act:**

5 **“(1) ‘Brassica seed crop’ means a seed crop of Brassica carinata,**
6 **Brassica juncea, Brassica napus, Brassica nigra, Brassica oleracea or**
7 **Brassica rapa.**

8 **“(2) ‘Brassica seed producer’ means a person, or a representative**
9 **of a person, who grows a brassica seed crop within the Willamette**
10 **Valley Protected District.**

11 **“(3) ‘Genetically engineered brassica seed crop’ means a variety of**
12 **brassica seed crop that the Animal and Plant Health Inspection Ser-**
13 **vice of the United States Department of Agriculture has designated**
14 **as having regulated or nonregulated status pursuant to 7 C.F.R. part**
15 **340.**

16 **“(4) ‘Isolation distance’ means:**

17 **“(a) Three miles between the edges of fields in which brassica seed**
18 **crops, other than genetically engineered brassica seed crops, are**
19 **grown.**

20 **“(b) Six miles between the edges of a field in which a genetically**
21 **engineered brassica seed crop is grown and the edges of a field in**
22 **which another brassica seed crop is grown.**

23 **“(5) ‘Isolation distance exception agreement’ means a written and**
24 **signed agreement between brassica seed producers to plant brassica**
25 **seed crops in fields that are closer together than the isolation distance.**

26 **“(6) ‘Willamette Valley Protected District’ means the area encom-**
27 **passed within a rectangle formed by the point in Tillamook County**
28 **that is the northwest corner of township 1 north, range 6 west, the**
29 **point in Multnomah County that is the most northeastern point of**
30 **township 1 north, range 2 east within Oregon, the point in Lane**

1 County that is the southeast corner of township 19 south, range 2 east
2 and the point in Lane County that is the southwest corner of township
3 19 south, range 6 west.

4 **“SECTION 6. (1) The State Department of Agriculture may require**
5 **brassica seed producers to:**

6 **“(a) Identify field locations of brassica seed crops.**

7 **“(b) Keep, and provide to the department, records of brassica seed**
8 **stock analysis.**

9 **“(c) Demonstrate that brassica seed crops are certified as free of**
10 **blackleg.**

11 **“(2) The department:**

12 **“(a) May establish deadlines for complying with the provisions of**
13 **this section and section 7 of this 2024 Act.**

14 **“(b) May contract for services to facilitate compliance with rules**
15 **adopted under this section and with section 7 of this 2024 Act, includ-**
16 **ing for developing and maintaining a field identification mapping ser-**
17 **vice or a pinning map.**

18 **“(c) Notwithstanding section 7 (2) of this 2024 Act, may adopt rules**
19 **for making determinations described in section 7 (2) of this 2024 Act**
20 **using a method that is not based on chance.**

21 **“(3) Under ORS 192.355, records submitted to the department pur-**
22 **suant to section 7 of this 2024 Act, or pursuant to rules adopted under**
23 **this section, are exempt from disclosure as public records.**

24 **“(4) Notwithstanding subsection (3) of this section, the department**
25 **may disclose records described in subsection (3) of this section in an**
26 **aggregated manner that protects unique identifying information.**

27 **“(5) The department shall deposit all moneys received under**
28 **sections 5 to 8 of this 2024 Act, including moneys received as fees or**
29 **as civil penalties, in the Department of Agriculture Service Fund es-**
30 **tablished by ORS 561.144.**

1 **“SECTION 7. (1) A brassica seed producer shall:**
2 **“(a) Register with the State Department of Agriculture before**
3 **growing a brassica seed crop in the Willamette Valley Protected Dis-**
4 **trict.**
5 **“(b) Comply with all applicable laws and rules.**
6 **“(c) Maintain isolation distances between fields in the Willamette**
7 **Valley Protected District in which brassica seed crops are grown, un-**
8 **less the brassica seed producer:**
9 **“(A) Owns or manages both fields; or**
10 **“(B) With the brassica seed producer who owns the second field,**
11 **enters into an isolation distance exception agreement for the fields.**
12 **“(d) Keep records that demonstrate compliance with this section,**
13 **and with rules adopted pursuant to section 6 of this 2024 Act, on and**
14 **after the effective date of this 2024 Act.**
15 **“(2) If a brassica seed crop may not be grown in adjacent fields in**
16 **the Willamette Valley Protected District due to isolation distances and**
17 **the brassica seed producers that own or manage the fields have both**
18 **made good faith efforts to agree on an isolation distance exception**
19 **agreement but have not reached an agreement, in accordance with any**
20 **applicable deadline established by the department, the brassica seed**
21 **producers:**
22 **“(a) May ask the department to:**
23 **“(A) Determine, using a neutral method based on chance, which**
24 **one of the brassica seed producers may grow brassica seed crops in the**
25 **brassica seed producer’s field during the applicable calendar year.**
26 **“(B) Memorialize the determination in an isolation distance excep-**
27 **tion agreement.**
28 **“(b) Shall pay any applicable fee related to the department’s actions**
29 **under this subsection.**
30 **“(3) Notwithstanding subsection (2)(a)(A) of this section, the de-**

1 **partment may not allow a brassica seed producer described in sub-**
2 **section (2) of this section who has not made good faith efforts to reach**
3 **an agreement to grow brassica seed crops in the field.**

4 **“SECTION 8. If a person violates section 7 of this 2024 Act, or a rule**
5 **adopted under section 6 of this 2024 Act, the State Department of Ag-**
6 **riculture may:**

7 **“(1) If the violation was not grossly negligent, assess a civil penalty,**
8 **not to exceed \$25,000, against the person and prohibit the person from**
9 **growing brassica seed crops in the Willamette Valley Protected Dis-**
10 **trict for a period of up to three years.**

11 **“(2) If the violation was grossly negligent, assess a civil penalty,**
12 **not to exceed \$50,000, against the person and prohibit the person from**
13 **growing brassica seed crops in the Willamette Valley Protected Dis-**
14 **trict for a period of up to five years.**

15 **“SECTION 9. Section 7 of this 2024 Act is amended to read:**

16 **“Sec. 7. (1) A brassica seed producer:**

17 **“(a) Shall register with the State Department of Agriculture before**
18 **growing a brassica seed crop in the Willamette Valley Protected District.**

19 **“(b) Shall comply with all applicable laws and rules.**

20 **“(c) Shall maintain isolation distances between fields in the Willamette**
21 **Valley Protected District in which brassica seed crop are grown, unless the**
22 **brassica seed producer:**

23 **“(A) Owns or manages both fields; or**

24 **“(B) Enters into an isolation distance exception agreement for the fields.**

25 **“(d) May not grow a brassica seed crop in the Willamette Valley Pro-**
26 **TECTED District in a manner that does not maintain an isolation distance,**
27 **unless the brassica seed producer has entered into an applicable isolation**
28 **distance exception agreement.**

29 **“(e) Shall keep records that demonstrate compliance with this section, and**
30 **with rules adopted pursuant to section 6 of this 2024 Act, [on and after the**

1 *effective date of this 2024 Act*] **for the previous three calendar years.**

2 “(2) If brassica seed crop may not be grown in fields in the Willamette
3 Valley Protected District due to isolation distances and the brassica seed
4 producers that own or manage the fields have both made good faith efforts
5 to agree on an isolation distance exception agreement but have not reached
6 an agreement, in accordance with any applicable deadline established by the
7 department, the brassica seed producers:

8 “(a) May ask the department to determine, using a neutral method based
9 on chance, which one of the brassica seed producers may grow brassica seed
10 crops in the brassica seed producer’s field during the applicable calendar
11 year.

12 “(b) Shall pay any applicable fee related to the department’s determi-
13 nation.

14 “(3) Notwithstanding subsection (2)(a) of this section, the department may
15 not allow a brassica seed producer described in subsection (2) of this section
16 who has not made good faith efforts to agree on an isolation distance ex-
17 ception agreement to grow a brassica seed crop in the relevant field.

18 **“SECTION 10. The amendments to section 7 of this 2024 Act by
19 section 9 of this 2024 Act become operative on April 1, 2028.**

20 **“SECTION 11. ORS 192.355 is amended to read:**

21 “192.355. The following public records are exempt from disclosure under
22 ORS 192.311 to 192.478:

23 “(1) Communications within a public body or between public bodies of an
24 advisory nature to the extent that they cover other than purely factual ma-
25 terials and are preliminary to any final agency determination of policy or
26 action. This exemption shall not apply unless the public body shows that in
27 the particular instance the public interest in encouraging frank communi-
28 cation between officials and employees of public bodies clearly outweighs the
29 public interest in disclosure.

30 “(2)(a) Information of a personal nature such as but not limited to that

1 kept in a personal, medical or similar file, if public disclosure would consti-
2 tute an unreasonable invasion of privacy, unless the public interest by clear
3 and convincing evidence requires disclosure in the particular instance. The
4 party seeking disclosure shall have the burden of showing that public dis-
5 closure would not constitute an unreasonable invasion of privacy.

6 “(b) Images of a dead body, or parts of a dead body, that are part of a law
7 enforcement agency investigation, if public disclosure would create an un-
8 reasonable invasion of privacy of the family of the deceased person, unless
9 the public interest by clear and convincing evidence requires disclosure in
10 the particular instance. The party seeking disclosure shall have the burden
11 of showing that public disclosure would not constitute an unreasonable in-
12 vasion of privacy.

13 “(3) Upon compliance with ORS 192.363, public body employee or volun-
14 teer residential addresses, residential telephone numbers, personal cellular
15 telephone numbers, personal electronic mail addresses, driver license num-
16 bers, employer-issued identification card numbers, emergency contact infor-
17 mation, Social Security numbers, dates of birth and other telephone numbers
18 contained in personnel records maintained by the public body that is the
19 employer or the recipient of volunteer services. This exemption:

20 “(a) Does not apply to the addresses, dates of birth and telephone numbers
21 of employees or volunteers who are elected officials, except that a judge or
22 district attorney subject to election may seek to exempt the judge’s or dis-
23 trict attorney’s address or telephone number, or both, under the terms of
24 ORS 192.368;

25 “(b) Does not apply to employees or volunteers to the extent that the
26 party seeking disclosure shows by clear and convincing evidence that the
27 public interest requires disclosure in a particular instance pursuant to ORS
28 192.363;

29 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
30 when requested by a professional education association of which the substi-

1 tute teacher may be a member; and

2 “(d) Does not relieve a public employer of any duty under ORS 243.650 to
3 243.809.

4 “(4) Information submitted to a public body in confidence and not other-
5 wise required by law to be submitted, where such information should rea-
6 sonably be considered confidential, the public body has obliged itself in good
7 faith not to disclose the information, and when the public interest would
8 suffer by the disclosure.

9 “(5) Information or records of the Department of Corrections, including
10 the State Board of Parole and Post-Prison Supervision, to the extent that
11 disclosure would interfere with the rehabilitation of a person in custody of
12 the department or substantially prejudice or prevent the carrying out of the
13 functions of the department, if the public interest in confidentiality clearly
14 outweighs the public interest in disclosure.

15 “(6) Records, reports and other information received or compiled by the
16 Director of the Department of Consumer and Business Services in the ad-
17 ministration of ORS chapters 723 and 725 not otherwise required by law to
18 be made public, to the extent that the interests of lending institutions, their
19 officers, employees and customers in preserving the confidentiality of such
20 information outweighs the public interest in disclosure.

21 “(7) Reports made to or filed with the court under ORS 137.077 or 137.530.

22 “(8) Any public records or information the disclosure of which is prohib-
23 ited by federal law or regulations.

24 “(9)(a) Public records or information the disclosure of which is prohibited
25 or restricted or otherwise made confidential or privileged under Oregon law.

26 “(b) Subject to ORS 192.360, paragraph (a) of this subsection does not
27 apply to factual information compiled in a public record when:

28 “(A) The basis for the claim of exemption is ORS 40.225;

29 “(B) The factual information is not prohibited from disclosure under any
30 applicable state or federal law, regulation or court order and is not other-

1 wise exempt from disclosure under ORS 192.311 to 192.478;

2 “(C) The factual information was compiled by or at the direction of an
3 attorney as part of an investigation on behalf of the public body in response
4 to information of possible wrongdoing by the public body;

5 “(D) The factual information was not compiled in preparation for liti-
6 gation, arbitration or an administrative proceeding that was reasonably
7 likely to be initiated or that has been initiated by or against the public body;
8 and

9 “(E) The holder of the privilege under ORS 40.225 has made or authorized
10 a public statement characterizing or partially disclosing the factual infor-
11 mation compiled by or at the attorney’s direction.

12 “(10) Public records or information described in this section, furnished
13 by the public body originally compiling, preparing or receiving them to any
14 other public officer or public body in connection with performance of the
15 duties of the recipient, if the considerations originally giving rise to the
16 confidential or exempt nature of the public records or information remain
17 applicable.

18 “(11) Records of the Energy Facility Siting Council concerning the review
19 or approval of security programs pursuant to ORS 469.530.

20 “(12) Employee and retiree address, telephone number and other nonfi-
21 nancial membership records and employee financial records maintained by
22 the Public Employees Retirement System pursuant to ORS chapters 238 and
23 238A or by another retirement system operated by a public body.

24 “(13) Records of or submitted to the State Treasurer, the Oregon Invest-
25 ment Council or the agents of the treasurer or the council relating to active
26 or proposed publicly traded investments under ORS chapter 293, including
27 but not limited to records regarding the acquisition, exchange or liquidation
28 of the investments. For the purposes of this subsection:

29 “(a) The exemption does not apply to:

30 “(A) Information in investment records solely related to the amount paid

1 directly into an investment by, or returned from the investment directly to,
2 the treasurer or council; or

3 “(B) The identity of the entity to which the amount was paid directly or
4 from which the amount was received directly.

5 “(b) An investment in a publicly traded investment is no longer active
6 when acquisition, exchange or liquidation of the investment has been con-
7 cluded.

8 “(14)(a) Records of or submitted to the State Treasurer, the Oregon In-
9 vestment Council, the Oregon Growth Board or the agents of the treasurer,
10 council or board relating to actual or proposed investments under ORS
11 chapter 293 or 348 in a privately placed investment fund or a private asset
12 including but not limited to records regarding the solicitation, acquisition,
13 deployment, exchange or liquidation of the investments including but not
14 limited to:

15 “(A) Due diligence materials that are proprietary to an investment fund,
16 to an asset ownership or to their respective investment vehicles.

17 “(B) Financial statements of an investment fund, an asset ownership or
18 their respective investment vehicles.

19 “(C) Meeting materials of an investment fund, an asset ownership or their
20 respective investment vehicles.

21 “(D) Records containing information regarding the portfolio positions in
22 which an investment fund, an asset ownership or their respective investment
23 vehicles invest.

24 “(E) Capital call and distribution notices of an investment fund, an asset
25 ownership or their respective investment vehicles.

26 “(F) Investment agreements and related documents.

27 “(b) The exemption under this subsection does not apply to:

28 “(A) The name, address and vintage year of each privately placed invest-
29 ment fund.

30 “(B) The dollar amount of the commitment made to each privately placed

1 investment fund since inception of the fund.

2 “(C) The dollar amount of cash contributions made to each privately
3 placed investment fund since inception of the fund.

4 “(D) The dollar amount, on a fiscal year-end basis, of cash distributions
5 received by the State Treasurer, the Oregon Investment Council, the Oregon
6 Growth Board or the agents of the treasurer, council or board from each
7 privately placed investment fund.

8 “(E) The dollar amount, on a fiscal year-end basis, of the remaining value
9 of assets in a privately placed investment fund attributable to an investment
10 by the State Treasurer, the Oregon Investment Council, the Oregon Growth
11 Board or the agents of the treasurer, council or board.

12 “(F) The net internal rate of return of each privately placed investment
13 fund since inception of the fund.

14 “(G) The investment multiple of each privately placed investment fund
15 since inception of the fund.

16 “(H) The dollar amount of the total management fees and costs paid on
17 an annual fiscal year-end basis to each privately placed investment fund.

18 “(I) The dollar amount of cash profit received from each privately placed
19 investment fund on a fiscal year-end basis.

20 “(15) The monthly reports prepared and submitted under ORS 293.761 and
21 293.766 concerning the Public Employees Retirement Fund and the Industrial
22 Accident Fund may be uniformly treated as exempt from disclosure for a
23 period of up to 90 days after the end of the calendar quarter.

24 “(16) Reports of unclaimed property filed by the holders of such property
25 to the extent permitted by ORS 98.352.

26 “(17)(a) The following records, communications and information submitted
27 to the Oregon Business Development Commission, the Oregon Business De-
28 velopment Department, the State Department of Agriculture, the Oregon
29 Growth Board, the Port of Portland or other ports as defined in ORS 777.005,
30 or a county or city governing body and any board, department, commission,

1 council or agency thereof, by applicants for investment funds, grants, loans,
2 services or economic development moneys, support or assistance including,
3 but not limited to, those described in ORS 285A.224:

4 “(A) Personal financial statements.

5 “(B) Financial statements of applicants.

6 “(C) Customer lists.

7 “(D) Information of an applicant pertaining to litigation to which the
8 applicant is a party if the complaint has been filed, or if the complaint has
9 not been filed, if the applicant shows that such litigation is reasonably likely
10 to occur; this exemption does not apply to litigation which has been con-
11 cluded, and nothing in this subparagraph shall limit any right or opportunity
12 granted by discovery or deposition statutes to a party to litigation or po-
13 tential litigation.

14 “(E) Production, sales and cost data.

15 “(F) Marketing strategy information that relates to applicant’s plan to
16 address specific markets and applicant’s strategy regarding specific compet-
17 itors.

18 “(b) The following records, communications and information submitted to
19 the State Department of Energy by applicants for tax credits or for grants
20 awarded under ORS 469B.256:

21 “(A) Personal financial statements.

22 “(B) Financial statements of applicants.

23 “(C) Customer lists.

24 “(D) Information of an applicant pertaining to litigation to which the
25 applicant is a party if the complaint has been filed, or if the complaint has
26 not been filed, if the applicant shows that such litigation is reasonably likely
27 to occur; this exemption does not apply to litigation which has been con-
28 cluded, and nothing in this subparagraph shall limit any right or opportunity
29 granted by discovery or deposition statutes to a party to litigation or po-
30 tential litigation.

1 “(E) Production, sales and cost data.

2 “(F) Marketing strategy information that relates to applicant’s plan to
3 address specific markets and applicant’s strategy regarding specific compet-
4 itors.

5 “(18) Records, reports or returns submitted by private concerns or enter-
6 prises required by law to be submitted to or inspected by a governmental
7 body to allow it to determine the amount of any transient lodging tax pay-
8 able and the amounts of such tax payable or paid, to the extent that such
9 information is in a form which would permit identification of the individual
10 concern or enterprise. Nothing in this subsection shall limit the use which
11 can be made of such information for regulatory purposes or its admissibility
12 in any enforcement proceedings. The public body shall notify the taxpayer
13 of the delinquency immediately by certified mail. However, in the event that
14 the payment or delivery of transient lodging taxes otherwise due to a public
15 body is delinquent by over 60 days, the public body shall disclose, upon the
16 request of any person, the following information:

17 “(a) The identity of the individual concern or enterprise that is delinquent
18 over 60 days in the payment or delivery of the taxes.

19 “(b) The period for which the taxes are delinquent.

20 “(c) The actual, or estimated, amount of the delinquency.

21 “(19) All information supplied by a person under ORS 151.485 for the
22 purpose of requesting appointed counsel, and all information supplied to the
23 court from whatever source for the purpose of verifying the financial eligi-
24 bility of a person pursuant to ORS 151.485.

25 “(20) Workers’ compensation claim records of the Department of Con-
26 sumer and Business Services, except in accordance with rules adopted by the
27 Director of the Department of Consumer and Business Services, in any of the
28 following circumstances:

29 “(a) When necessary for insurers, self-insured employers and third party
30 claim administrators to process workers’ compensation claims.

1 “(b) When necessary for the director, other governmental agencies of this
2 state or the United States to carry out their duties, functions or powers.

3 “(c) When the disclosure is made in such a manner that the disclosed in-
4 formation cannot be used to identify any worker who is the subject of a
5 claim.

6 “(d) When a worker or the worker’s representative requests review of the
7 worker’s claim record.

8 “(21) Sensitive business records or financial or commercial information
9 of the Oregon Health and Science University that is not customarily pro-
10 vided to business competitors.

11 “(22) Records of Oregon Health and Science University regarding candi-
12 dates for the position of president of the university.

13 “(23) The records of a library, including:

14 “(a) Circulation records, showing use of specific library material by a
15 named person;

16 “(b) The name of a library patron together with the address or telephone
17 number of the patron; and

18 “(c) The electronic mail address of a patron.

19 “(24) The following records, communications and information obtained by
20 the Housing and Community Services Department in connection with the
21 department’s monitoring or administration of financial assistance or of
22 housing or other developments:

23 “(a) Personal and corporate financial statements and information, in-
24 cluding tax returns.

25 “(b) Credit reports.

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

30 “(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.

8 “(k) Personal information about a tenant.

9 “(L) Housing assistance payments.

10 “(25) Raster geographic information system (GIS) digital databases, pro-
11 vided by private forestland owners or their representatives, voluntarily and
12 in confidence to the State Forestry Department, that is not otherwise re-
13 quired by law to be submitted.

14 “(26) Sensitive business, commercial or financial information furnished to
15 or developed by a public body engaged in the business of providing electricity
16 or electricity services, if the information is directly related to a transaction
17 described in ORS 261.348, or if the information is directly related to a bid,
18 proposal or negotiations for the sale or purchase of electricity or electricity
19 services, and disclosure of the information would cause a competitive disad-
20 vantage for the public body or its retail electricity customers. This sub-
21 section does not apply to cost-of-service studies used in the development or
22 review of generally applicable rate schedules.

23 “(27) Sensitive business, commercial or financial information furnished to
24 or developed by the City of Klamath Falls, acting solely in connection with
25 the ownership and operation of the Klamath Cogeneration Project, if the
26 information is directly related to a transaction described in ORS 225.085 and
27 disclosure of the information would cause a competitive disadvantage for the
28 Klamath Cogeneration Project. This subsection does not apply to cost-of-
29 service studies used in the development or review of generally applicable rate
30 schedules.

1 “(28) Personally identifiable information about customers of a municipal
2 electric utility or a people’s utility district or the names, dates of birth,
3 driver license numbers, telephone numbers, electronic mail addresses or So-
4 cial Security numbers of customers who receive water, sewer or storm drain
5 services from a public body as defined in ORS 174.109. The utility or district
6 may release personally identifiable information about a customer, and a
7 public body providing water, sewer or storm drain services may release the
8 name, date of birth, driver license number, telephone number, electronic mail
9 address or Social Security number of a customer, if the customer consents
10 in writing or electronically, if the disclosure is necessary for the utility,
11 district or other public body to render services to the customer, if the dis-
12 closure is required pursuant to a court order or if the disclosure is otherwise
13 required by federal or state law. The utility, district or other public body
14 may charge as appropriate for the costs of providing such information. The
15 utility, district or other public body may make customer records available
16 to third party credit agencies on a regular basis in connection with the es-
17 tablishment and management of customer accounts or in the event such ac-
18 counts are delinquent.

19 “(29) A record of the street and number of an employee’s address submit-
20 ted to a special district to obtain assistance in promoting an alternative to
21 single occupant motor vehicle transportation.

22 “(30) Sensitive business records, capital development plans or financial
23 or commercial information of Oregon Corrections Enterprises that is not
24 customarily provided to business competitors.

25 “(31) Documents, materials or other information submitted to the Director
26 of the Department of Consumer and Business Services in confidence by a
27 state, federal, foreign or international regulatory or law enforcement agency
28 or by the National Association of Insurance Commissioners, its affiliates or
29 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
30 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,

1 725 or 726, the Bank Act or the Insurance Code when:

2 “(a) The document, material or other information is received upon notice
3 or with an understanding that it is confidential or privileged under the laws
4 of the jurisdiction that is the source of the document, material or other in-
5 formation; and

6 “(b) The director has obligated the Department of Consumer and Business
7 Services not to disclose the document, material or other information.

8 “(32) A county elections security plan developed and filed under ORS
9 254.074.

10 “(33) Information about review or approval of programs relating to the
11 security of:

12 “(a) Generation, storage or conveyance of:

13 “(A) Electricity;

14 “(B) Gas in liquefied or gaseous form;

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

16 “(D) Petroleum products;

17 “(E) Sewage; or

18 “(F) Water.

19 “(b) Telecommunication systems, including cellular, wireless or radio
20 systems.

21 “(c) Data transmissions by whatever means provided.

22 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of
23 the Supreme Court designates the information as confidential by rule under
24 ORS 1.002.

25 “(35)(a) Employer account records of the State Accident Insurance Fund
26 Corporation.

27 “(b) As used in this subsection, ‘employer account records’ means all re-
28 cords maintained in any form that are specifically related to the account of
29 any employer insured, previously insured or under consideration to be in-
30 sured by the State Accident Insurance Fund Corporation and any informa-

1 tion obtained or developed by the corporation in connection with providing,
2 offering to provide or declining to provide insurance to a specific employer.
3 ‘Employer account records’ includes, but is not limited to, an employer’s
4 payroll records, premium payment history, payroll classifications, employee
5 names and identification information, experience modification factors, loss
6 experience and dividend payment history.

7 “(c) The exemption provided by this subsection may not serve as the basis
8 for opposition to the discovery documents in litigation pursuant to applicable
9 rules of civil procedure.

10 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.

11 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited
12 to, all records held by the corporation pertaining to a person who has made
13 a claim, as defined in ORS 656.005, and all records pertaining to such a
14 claim.

15 “(c) The exemption provided by this subsection may not serve as the basis
16 for opposition to the discovery documents in litigation pursuant to applicable
17 rules of civil procedure.

18 “(37) Except as authorized by ORS 408.425, records that certify or verify
19 an individual’s discharge or other separation from military service.

20 “(38) Records of or submitted to a domestic violence service or resource
21 center that relate to the name or personal information of an individual who
22 visits a center for service, including the date of service, the type of service
23 received, referrals or contact information or personal information of a family
24 member of the individual. As used in this subsection, ‘domestic violence
25 service or resource center’ means an entity, the primary purpose of which is
26 to assist persons affected by domestic or sexual violence by providing refer-
27 rals, resource information or other assistance specifically of benefit to do-
28 mestic or sexual violence victims.

29 “(39) Information reported to the Oregon Health Authority under ORS
30 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed

1 by the authority under ORS 431A.865 and any information related to disclo-
2 sures made by the authority under ORS 431A.865, including information
3 identifying the recipient of the information.

4 “(40)(a) Electronic mail addresses in the possession or custody of an
5 agency or subdivision of the executive department, as defined in ORS 174.112,
6 the legislative department, as defined in ORS 174.114, a local government or
7 local service district, as defined in ORS 174.116, or a special government
8 body, as defined in ORS 174.117.

9 “(b) This subsection does not apply to electronic mail addresses assigned
10 by a public body to public employees for use by the employees in the ordi-
11 nary course of their employment.

12 “(c) This subsection and ORS 244.040 do not prohibit the campaign office
13 of the current officeholder or current candidates who have filed to run for
14 that elective office from receiving upon request the electronic mail addresses
15 used by the current officeholder’s legislative office for newsletter distrib-
16 ution, except that a campaign office that receives electronic mail addresses
17 under this paragraph may not make a further disclosure of those electronic
18 mail addresses to any other person.

19 “(41) Residential addresses, residential telephone numbers, personal cel-
20 lular telephone numbers, personal electronic mail addresses, driver license
21 numbers, emergency contact information, Social Security numbers, dates of
22 birth and other telephone numbers of individuals currently or previously
23 certified or licensed by the Department of Public Safety Standards and
24 Training contained in the records maintained by the department.

25 “(42) Personally identifiable information and contact information of vet-
26 erans as defined in ORS 408.225 and of persons serving on active duty or as
27 reserve members with the Armed Forces of the United States, National
28 Guard or other reserve component that was obtained by the Department of
29 Veterans’ Affairs in the course of performing its duties and functions, in-
30 cluding but not limited to names, residential and employment addresses,

1 dates of birth, driver license numbers, telephone numbers, electronic mail
2 addresses, Social Security numbers, marital status, dependents, the character
3 of discharge from military service, military rating or rank, that the person
4 is a veteran or has provided military service, information relating to an ap-
5 plication for or receipt of federal or state benefits, information relating to
6 the basis for receipt or denial of federal or state benefits and information
7 relating to a home loan or grant application, including but not limited to
8 financial information provided in connection with the application.

9 “(43) Business, commercial, financial, operational and research data and
10 information, including but not limited to pricing, intellectual property and
11 customer records, furnished to, developed by or generated in connection with
12 the ownership and operation of an unmanned aerial system test range, if
13 disclosure of the information would cause a competitive disadvantage to the
14 test range or its users.

15 “(44) Personally identifiable information about a child under the age of
16 16 years that is submitted to the State Fish and Wildlife Commission or an
17 agent of the commission to obtain a license, tag or permit under the wildlife
18 laws.

19 “(45) Proprietary information subject to a nondisclosure agreement that
20 is provided to the Oregon Broadband Office pursuant to ORS 285A.176.

21 “(46) With respect to records held by the State Treasurer relating to un-
22 claimed properties under ORS 98.302 to 98.436:

23 “(a) All materials or communications received during an examination
24 under ORS 98.412 (2) and (3), except to the extent that the information in the
25 materials or communications appears within a report under ORS 98.412 (4)
26 or 98.352 and the information is not otherwise exempt under ORS 98.352 (4).

27 “(b) All materials or communications assembled or used by the state or
28 its auditor during the preparation of a report under ORS 98.412 (4), including
29 drafts, correspondence, working papers and other preparatory documents.

30 “(c) Information obtained during an examination under ORS 98.412 (2) and

1 (3) concerning an unclaimed property holder’s potential liability in a state
2 other than Oregon, even if that information is included in a report under
3 ORS 98.412 (4) or 98.352.

4 “(d) Information in or supporting claims to unclaimed property under ORS
5 98.392, except to the extent that the claimant consents to the information’s
6 disclosure.

7 “(47) Any document, record or plan for protection relating to the exist-
8 ence, nature, location or function of cybersecurity devices, programs or sys-
9 tems designed to protect computer, information technology or
10 communications systems against threat or attack, including but not limited
11 to:

12 “(a) Records pertaining to devices, programs or systems that depend for
13 their effectiveness in whole or part upon a lack of public knowledge; and

14 “(b) Contractual records or insurance records that set forth cybersecurity
15 specifications, insurance application and coverage details.

16 “(48) **Records submitted to the State Department of Agriculture**
17 **pursuant to section 7 of this 2024 Act or rules adopted under section**
18 **6 of this 2024 Act.**

19

20 “CAPTIONS

21

22 “**SECTION 12. The unit captions used in this 2024 Act are provided**
23 **only for the convenience of the reader and do not become part of the**
24 **statutory law of this state or express any legislative intent in the**
25 **enactment of this 2024 Act.**

26

27 “EFFECTIVE DATE

28

29 “**SECTION 13. This 2024 Act being necessary for the immediate**
30 **preservation of the public peace, health and safety, an emergency is**

1 **declared to exist, and this 2024 Act takes effect on its passage.”.**

2
