

Requested by Senator GIROD

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4059**

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

5 Delete lines 6 through 21 and delete page 2 and insert:
6

7 **“BRASSICA PRODUCTION THROUGH JANUARY 31, 2025**
8

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10 **are repealed.**

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

12 **“(a) ‘Canola’ means plants of the species Brassica napus and**
13 **Brassica rapa.**

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

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

4 “(3) The department may:

5 “(a) Authorize a person to grow canola within the Willamette Val-
6 ley Protected District only in a manner that maintains a distance of
7 three miles between the edges of fields in which canola is grown.

8 “(b) Authorize not more than 2,500 acres of canola production
9 within the Willamette Valley Protected District.

10 “(c) Assess a civil penalty, not to exceed \$25,000, against a person
11 that violates subsection (2) of this section or the terms of a license
12 issued under this section.

13 “SECTION 3. Section 2 of this 2024 Act is repealed on January 31,
14 2025.

15
16 “BRASSICA PRODUCTION AFTER JANUARY 31, 2025
17

18 “SECTION 4. (1) Sections 5 to 8 of this 2024 Act and the amend-
19 ments to ORS 192.355 by section 10 of this 2024 Act become operative
20 on February 1, 2025.

21 “(2) The State Department of Agriculture may take any actions
22 necessary before the operative date specified in subsection (1) of this
23 section to exercise, on and after the operative date specified in sub-
24 section (1) of this section, all of the duties, functions and powers
25 conferred on the department under sections 5 to 8 of this 2024 Act and
26 the amendments to ORS 192.355 by section 10 of this 2024 Act.

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

28 “(1) ‘Brassica seed crop’ means a seed crop of *Brassica carinata*,
29 *Brassica napus*, *Brassica juncea*, *Brassica oleracea*, *Brassica rapa* or
30 *Brassica nigra*.

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

4 “(3) ‘Genetically engineered brassica seed crop’ means a variety of
5 brassica seed crop that the Animal and Plant Health Inspection Ser-
6 vice of the United States Department of Agriculture has designated
7 as having regulated or nonregulated status pursuant to 7 C.F.R. part
8 340.

9 “(4) ‘Isolation distance’ means:

10 “(a) Three miles between the edges of fields in which brassica seed
11 crops, other than genetically engineered brassica seed crops, are
12 grown.

13 “(b) Four miles between the edges of a field in which a genetically
14 engineered brassica seed crop is grown and the edges of a field in
15 which another brassica seed crop is grown.

16 “(5) ‘Isolation distance exception agreement’ means a written and
17 signed agreement between brassica seed producers to plant brassica
18 seed crops in fields that are closer together than the isolation distance,
19 in which the brassica seed producers agree to accept the risk of not
20 maintaining the isolation distance.

21 “(6) ‘Willamette Valley Protected District’ means the area encom-
22 passed within a rectangle formed by the point in Tillamook County
23 that is the northwest corner of township 1 north, range 6 west, the
24 point in Multnomah County that is the most northeastern point of
25 township 1 north, range 2 east within Oregon, the point in Lane
26 County that is the southeast corner of township 19 south, range 2 east
27 and the point in Lane County that is the southwest corner of township
28 19 south, range 6 west.

29 “SECTION 6. (1) The State Department of Agriculture may estab-
30 lish by rule a system for registering brassica seed crop.

1 **“(2) The system for registering brassica seed crop:**
2 **“(a) May require a brassica seed producer who registers brassica**
3 **seed crop to provide records of:**
4 **“(A) The stock of the brassica seed crop; and**
5 **“(B) Compliance with section 7 of this 2024 Act.**
6 **“(b) May establish relevant deadlines.**
7 **“(3) The department may contract for services to facilitate compli-**
8 **ance with rules adopted under this section and with section 7 of this**
9 **2024 Act, including for developing and maintaining a field identifica-**
10 **tion mapping service or a pinning map.**
11 **“(4) Under ORS 192.355, records submitted to the department pur-**
12 **suant to section 7 of this 2024 Act or rules adopted under this section**
13 **are exempt from disclosure as public records.**
14 **“(5) Notwithstanding subsection (4) of this section, the department**
15 **may disclose records described in subsection (4) of this section in an**
16 **aggregated manner that protects unique identifying information.**
17 **“(6) The department shall deposit all moneys received under**
18 **sections 5 to 8 of this 2024 Act, including moneys received as fees or**
19 **as civil penalties, in the Department of Agriculture Service Fund es-**
20 **tablished by ORS 561.144.**
21 **“SECTION 7. (1) A brassica seed producer:**
22 **“(a) Shall register with the State Department of Agriculture before**
23 **growing a brassica seed crop in the Willamette Valley Protected Dis-**
24 **trict.**
25 **“(b) Shall comply with all applicable laws and rules.**
26 **“(c) Shall maintain isolation distances between fields in the**
27 **Willamette Valley Protected District in which brassica seed crop are**
28 **grown, unless the brassica seed producer:**
29 **“(A) Owns or manages both fields; or**
30 **“(B) Enters into an isolation distance exception agreement for the**

1 **fields.**

2 **“(d) May not grow a brassica seed crop in the Willamette Valley**
3 **Protected District in a manner that does not maintain an isolation**
4 **distance, unless the brassica seed producer has entered into an appli-**
5 **cable isolation distance exception agreement.**

6 **“(e) Shall keep records that demonstrate compliance with this sec-**
7 **tion, and with rules adopted pursuant to section 6 of this 2024 Act, on**
8 **and after the effective date of this 2024 Act.**

9 **“(2) If brassica seed crop may not be grown in fields in the**
10 **Willamette Valley Protected District due to isolation distances and the**
11 **brassica seed producers that own or manage the fields have both made**
12 **good faith efforts to agree on an isolation distance exception agree-**
13 **ment but have not reached an agreement, in accordance with any ap-**
14 **plicable deadline established by the department, the brassica seed**
15 **producers:**

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

20 **“(b) Shall pay any applicable fee related to the department’s deter-**
21 **mination.**

22 **“(3) Notwithstanding subsection (2)(a) of this section, the depart-**
23 **ment may not allow a brassica seed producer described in subsection**
24 **(2) of this section who has not made good faith efforts to agree on an**
25 **isolation distance exception agreement to grow a brassica seed crop in**
26 **the relevant field.**

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

30 **“(1) If the violation was not grossly negligent, assess a civil penalty,**

1 **not to exceed \$25,000, against the person and prohibit the person from**
2 **growing brassica seed crop in the Willamette Valley Protected District**
3 **for a period of up to three years.**

4 **“(2) If the violation was grossly negligent, assess a civil penalty,**
5 **not to exceed \$50,000, against the person and prohibit the person from**
6 **growing brassica seed crop in the Willamette Valley Protected District**
7 **for a period of up to five years.**

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

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

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

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

13 “(c) Shall maintain isolation distances between fields in the Willamette
14 Valley Protected District in which brassica seed crop are grown, unless the
15 brassica seed producer:

16 “(A) Owns or manages both fields; or

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

18 “(d) May not grow a brassica seed crop in the Willamette Valley Pro-
19 tected District in a manner that does not maintain an isolation distance,
20 unless the brassica seed producer has entered into an applicable isolation
21 distance exception agreement.

22 “(e) Shall keep records that demonstrate compliance with this section, and
23 with rules adopted pursuant to section 6 of this 2024 Act, [*on and after the*
24 *effective date of this 2024 Act*] **for the previous three calendar years.**

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

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

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

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

11 **“SECTION 9a. The amendments to section 7 of this 2024 Act by
12 section 9 of this 2024 Act become operative on February 1, 2028.**

13 **“SECTION 10. ORS 192.355 is amended to read:**

14 “192.355. The following public records are exempt from disclosure under
15 ORS 192.311 to 192.478:

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

23 “(2)(a) Information of a personal nature such as but not limited to that
24 kept in a personal, medical or similar file, if public disclosure would consti-
25 tute an unreasonable invasion of privacy, unless the public interest by clear
26 and convincing evidence requires disclosure in the particular instance. The
27 party seeking disclosure shall have the burden of showing that public dis-
28 closure would not constitute an unreasonable invasion of privacy.

29 “(b) Images of a dead body, or parts of a dead body, that are part of a law
30 enforcement agency investigation, if public disclosure would create an un-

1 reasonable invasion of privacy of the family of the deceased person, unless
2 the public interest by clear and convincing evidence requires disclosure in
3 the particular instance. The party seeking disclosure shall have the burden
4 of showing that public disclosure would not constitute an unreasonable in-
5 vasion of privacy.

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

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

18 “(b) Does not apply to employees or volunteers to the extent that the
19 party seeking disclosure shows by clear and convincing evidence that the
20 public interest requires disclosure in a particular instance pursuant to ORS
21 192.363;

22 “(c) Does not apply to a substitute teacher as defined in ORS 342.815
23 when requested by a professional education association of which the substi-
24 tute teacher may be a member; and

25 “(d) Does not relieve a public employer of any duty under ORS 243.650 to
26 243.809.

27 “(4) Information submitted to a public body in confidence and not other-
28 wise required by law to be submitted, where such information should rea-
29 sonably be considered confidential, the public body has obliged itself in good
30 faith not to disclose the information, and when the public interest would

1 suffer by the disclosure.

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

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

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

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

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

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

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

22 “(B) The factual information is not prohibited from disclosure under any
23 applicable state or federal law, regulation or court order and is not other-
24 wise exempt from disclosure under ORS 192.311 to 192.478;

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

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

1 and

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

5 “(10) Public records or information described in this section, furnished
6 by the public body originally compiling, preparing or receiving them to any
7 other public officer or public body in connection with performance of the
8 duties of the recipient, if the considerations originally giving rise to the
9 confidential or exempt nature of the public records or information remain
10 applicable.

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

13 “(12) Employee and retiree address, telephone number and other nonfi-
14 nancial membership records and employee financial records maintained by
15 the Public Employees Retirement System pursuant to ORS chapters 238 and
16 238A or by another retirement system operated by a public body.

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

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

23 “(A) Information in investment records solely related to the amount paid
24 directly into an investment by, or returned from the investment directly to,
25 the treasurer or council; or

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

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

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

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

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

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

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

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

19 “(F) Investment agreements and related documents.

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

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

23 “(B) The dollar amount of the commitment made to each privately placed
24 investment fund since inception of the fund.

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

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

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

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

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

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

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

13 “(15) The monthly reports prepared and submitted under ORS 293.761 and
14 293.766 concerning the Public Employees Retirement Fund and the Industrial
15 Accident Fund may be uniformly treated as exempt from disclosure for a
16 period of up to 90 days after the end of the calendar quarter.

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

19 “(17)(a) The following records, communications and information submitted
20 to the Oregon Business Development Commission, the Oregon Business De-
21 velopment Department, the State Department of Agriculture, the Oregon
22 Growth Board, the Port of Portland or other ports as defined in ORS 777.005,
23 or a county or city governing body and any board, department, commission,
24 council or agency thereof, by applicants for investment funds, grants, loans,
25 services or economic development moneys, support or assistance including,
26 but not limited to, those described in ORS 285A.224:

27 “(A) Personal financial statements.

28 “(B) Financial statements of applicants.

29 “(C) Customer lists.

30 “(D) Information of an applicant pertaining to litigation to which the

1 applicant is a party if the complaint has been filed, or if the complaint has
2 not been filed, if the applicant shows that such litigation is reasonably likely
3 to occur; this exemption does not apply to litigation which has been con-
4 cluded, and nothing in this subparagraph shall limit any right or opportunity
5 granted by discovery or deposition statutes to a party to litigation or po-
6 tential litigation.

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

8 “(F) Marketing strategy information that relates to applicant’s plan to
9 address specific markets and applicant’s strategy regarding specific compet-
10 itors.

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

14 “(A) Personal financial statements.

15 “(B) Financial statements of applicants.

16 “(C) Customer lists.

17 “(D) Information of an applicant pertaining to litigation to which the
18 applicant is a party if the complaint has been filed, or if the complaint has
19 not been filed, if the applicant shows that such litigation is reasonably likely
20 to occur; this exemption does not apply to litigation which has been con-
21 cluded, and nothing in this subparagraph shall limit any right or opportunity
22 granted by discovery or deposition statutes to a party to litigation or po-
23 tential litigation.

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

25 “(F) Marketing strategy information that relates to applicant’s plan to
26 address specific markets and applicant’s strategy regarding specific compet-
27 itors.

28 “(18) Records, reports or returns submitted by private concerns or enter-
29 prises required by law to be submitted to or inspected by a governmental
30 body to allow it to determine the amount of any transient lodging tax pay-

1 able and the amounts of such tax payable or paid, to the extent that such
2 information is in a form which would permit identification of the individual
3 concern or enterprise. Nothing in this subsection shall limit the use which
4 can be made of such information for regulatory purposes or its admissibility
5 in any enforcement proceedings. The public body shall notify the taxpayer
6 of the delinquency immediately by certified mail. However, in the event that
7 the payment or delivery of transient lodging taxes otherwise due to a public
8 body is delinquent by over 60 days, the public body shall disclose, upon the
9 request of any person, the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(b) Credit reports.

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

23 “(d) Market studies and analyses.

24 “(e) Articles of incorporation, partnership agreements and operating
25 agreements.

26 “(f) Commitment letters.

27 “(g) Project pro forma statements.

28 “(h) Project cost certifications and cost data.

29 “(i) Audits.

30 “(j) Project tenant correspondence.

1 “(k) Personal information about a tenant.

2 “(L) Housing assistance payments.

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

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

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

24 “(28) Personally identifiable information about customers of a municipal
25 electric utility or a people’s utility district or the names, dates of birth,
26 driver license numbers, telephone numbers, electronic mail addresses or So-
27 cial Security numbers of customers who receive water, sewer or storm drain
28 services from a public body as defined in ORS 174.109. The utility or district
29 may release personally identifiable information about a customer, and a
30 public body providing water, sewer or storm drain services may release the

1 name, date of birth, driver license number, telephone number, electronic mail
2 address or Social Security number of a customer, if the customer consents
3 in writing or electronically, if the disclosure is necessary for the utility,
4 district or other public body to render services to the customer, if the dis-
5 closure is required pursuant to a court order or if the disclosure is otherwise
6 required by federal or state law. The utility, district or other public body
7 may charge as appropriate for the costs of providing such information. The
8 utility, district or other public body may make customer records available
9 to third party credit agencies on a regular basis in connection with the es-
10 tablishment and management of customer accounts or in the event such ac-
11 counts are delinquent.

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

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

18 “(31) Documents, materials or other information submitted to the Director
19 of the Department of Consumer and Business Services in confidence by a
20 state, federal, foreign or international regulatory or law enforcement agency
21 or by the National Association of Insurance Commissioners, its affiliates or
22 subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to
23 697.842, 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723,
24 725 or 726, the Bank Act or the Insurance Code when:

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

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

1 “(32) A county elections security plan developed and filed under ORS
2 254.074.

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

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

6 “(A) Electricity;

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

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

9 “(D) Petroleum products;

10 “(E) Sewage; or

11 “(F) Water.

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

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

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

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

20 “(b) As used in this subsection, ‘employer account records’ means all re-
21 cords maintained in any form that are specifically related to the account of
22 any employer insured, previously insured or under consideration to be in-
23 sured by the State Accident Insurance Fund Corporation and any informa-
24 tion obtained or developed by the corporation in connection with providing,
25 offering to provide or declining to provide insurance to a specific employer.
26 ‘Employer account records’ includes, but is not limited to, an employer’s
27 payroll records, premium payment history, payroll classifications, employee
28 names and identification information, experience modification factors, loss
29 experience and dividend payment history.

30 “(c) The exemption provided by this subsection may not serve as the basis

1 for opposition to the discovery documents in litigation pursuant to applicable
2 rules of civil procedure.

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

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

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

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

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

22 “(39) Information reported to the Oregon Health Authority under ORS
23 431A.860, except as provided in ORS 431A.865 (3)(b), information disclosed
24 by the authority under ORS 431A.865 and any information related to disclo-
25 sures made by the authority under ORS 431A.865, including information
26 identifying the recipient of the information.

27 “(40)(a) Electronic mail addresses in the possession or custody of an
28 agency or subdivision of the executive department, as defined in ORS 174.112,
29 the legislative department, as defined in ORS 174.114, a local government or
30 local service district, as defined in ORS 174.116, or a special government

1 body, as defined in ORS 174.117.

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

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

12 “(41) Residential addresses, residential telephone numbers, personal cel-
13 lular telephone numbers, personal electronic mail addresses, driver license
14 numbers, emergency contact information, Social Security numbers, dates of
15 birth and other telephone numbers of individuals currently or previously
16 certified or licensed by the Department of Public Safety Standards and
17 Training contained in the records maintained by the department.

18 “(42) Personally identifiable information and contact information of vet-
19 erans as defined in ORS 408.225 and of persons serving on active duty or as
20 reserve members with the Armed Forces of the United States, National
21 Guard or other reserve component that was obtained by the Department of
22 Veterans’ Affairs in the course of performing its duties and functions, in-
23 cluding but not limited to names, residential and employment addresses,
24 dates of birth, driver license numbers, telephone numbers, electronic mail
25 addresses, Social Security numbers, marital status, dependents, the character
26 of discharge from military service, military rating or rank, that the person
27 is a veteran or has provided military service, information relating to an ap-
28 plication for or receipt of federal or state benefits, information relating to
29 the basis for receipt or denial of federal or state benefits and information
30 relating to a home loan or grant application, including but not limited to

1 financial information provided in connection with the application.

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

8 “(44) Personally identifiable information about a child under the age of
9 16 years that is submitted to the State Fish and Wildlife Commission or an
10 agent of the commission to obtain a license, tag or permit under the wildlife
11 laws.

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

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

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

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

23 “(c) Information obtained during an examination under ORS 98.412 (2) and
24 (3) concerning an unclaimed property holder’s potential liability in a state
25 other than Oregon, even if that information is included in a report under
26 ORS 98.412 (4) or 98.352.

27 “(d) Information in or supporting claims to unclaimed property under ORS
28 98.392, except to the extent that the claimant consents to the information’s
29 disclosure.

30 “(47) Any document, record or plan for protection relating to the exist-

1 ence, nature, location or function of cybersecurity devices, programs or sys-
2 tems designed to protect computer, information technology or
3 communications systems against threat or attack, including but not limited
4 to:

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

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

9 **“(48) Records submitted to the State Department of Agriculture**
10 **pursuant to section 7 of this 2024 Act or rules adopted under section**
11 **6 of this 2024 Act.**

12

13

“CAPTIONS

14

15 **“SECTION 11. The unit captions used in this 2024 Act are provided**
16 **only for the convenience of the reader and do not become part of the**
17 **statutory law of this state or express any legislative intent in the**
18 **enactment of this 2024 Act.**

19

20

“EFFECTIVE DATE

21

22 **“SECTION 12. This 2024 Act being necessary for the immediate**
23 **preservation of the public peace, health and safety, an emergency is**
24 **declared to exist, and this 2024 Act takes effect on its passage.”.**

25
