

## HOUSE AMENDMENTS TO HOUSE BILL 4177

By COMMITTEE ON RULES

February 23

1 On page 1 of the printed bill, line 2, after “192.630,” insert “192.640, 192.650,”.

2 On page 2, line 22, delete “governing body may not” and insert “public body may not permit a  
3 governing body to”.

4 On page 3, after line 13, insert:

5 “**SECTION 3.** ORS 192.640 is amended to read:

6 “192.640. (1) [*The governing body of*] A public body shall provide for and give public notice,  
7 reasonably calculated to give actual notice to interested persons including news media which have  
8 requested notice, of the time and place for holding regular meetings **of each of its governing**  
9 **bodies**. The notice shall also include a list of the principal subjects anticipated to be considered at  
10 the meeting, but this requirement shall not limit the ability of a governing body to consider addi-  
11 tional subjects.

12 “(2) If an executive session only will be held, the notice shall be given to the members of the  
13 governing body, to the general public and to news media which have requested notice, stating the  
14 specific provision of law authorizing the executive session.

15 “(3) No special meeting shall be held without at least 24 hours’ notice to the members of the  
16 governing body, the news media which have requested notice and the general public. In case of an  
17 actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances,  
18 but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ no-  
19 tice.

20 “**SECTION 4.** ORS 192.650 is amended to read:

21 “192.650. (1) [*The governing body of*] A public body shall provide for the sound, video or digital  
22 recording or the taking of written minutes of all [*its*] meetings **for each of its governing bodies**.  
23 Neither a full transcript nor a full recording of the meeting is required, except as otherwise pro-  
24 vided by law, but the written minutes or recording must give a true reflection of the matters dis-  
25 cussed at the meeting and the views of the participants. All minutes or recordings shall be available  
26 to the public within a reasonable time after the meeting, and shall include at least the following  
27 information:

28 “(a) All members of the governing body present;

29 “(b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their  
30 disposition;

31 “(c) The results of all votes and, except for public bodies consisting of more than 25 members  
32 unless requested by a member of that body, the vote of each member by name;

33 “(d) The substance of any discussion on any matter; and

34 “(e) Subject to ORS 192.311 to 192.478 relating to public records, a reference to any document  
35 discussed at the meeting.

1 “(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section.  
2 However, the minutes of a hearing held under ORS 332.061 shall contain only the material not ex-  
3 cluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be  
4 kept in the form of a sound or video tape or digital recording, which need not be transcribed unless  
5 otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for  
6 which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from  
7 disclosure. However, excluded materials are authorized to be examined privately by a court in any  
8 legal action and the court shall determine their admissibility.

9 “(3) A reference in minutes or a recording to a document discussed at a meeting of a governing  
10 body of a public body does not affect the status of the document under ORS 192.311 to 192.478.

11 “(4) A public body may charge a person a fee under ORS 192.324 for the preparation of a tran-  
12 script from a recording.”

13 In line 14, delete “3” and insert “5”.

14 In line 38, delete “4” and insert “6”.

15 In line 40, after “officials” insert “or by a public body”.

16 On page 4, line 10, after “body’s” insert “initial” and after “section” insert “and ORS 192.705”.

17 In line 29, delete “5” and insert “7”.

18 On page 5, line 35, delete “6” and insert “8”.

19 On page 6, line 23, delete “7” and insert “9”.

20 In line 24, after “body” insert “or public body”.

21 In line 26, after the first “body” insert “who is alleged to have violated ORS 192.610 to 192.705  
22 or”.

23 On page 7, line 6, after the first “The” insert “public body or the”.

24 In line 8, after “by” insert “the public body or”.

25 In line 13, after the first “the” insert “public body or the”.

26 Delete lines 14 and 15 and insert:

27 “(C) The practices and procedures of the governing body and the public body will be modified  
28 to ensure that violations of ORS 192.610 to 192.705 do not occur; or”.

29 In line 16, after “the” insert “public body or”.

30 In line 18, delete “(4)(a)” and insert “(4)”.

31 In line 20, delete “those procedural” and insert “the”.

32 Delete lines 22 through 34.

33 In line 35, after “body’s” insert “initial”.

34 In line 38, delete “8” and insert “10”.

35 In line 45, after “body” insert “or actions of a public body”.

36 On page 8, line 8, after “person” insert “or public body”.

37 In line 28, delete “(a)”.

38 Delete lines 34 through 38.

39 On page 9, line 39, after “person” insert “or public body”.

40 In line 41, after “person” insert “or public body”.

41 In line 44, after “person” insert “or public body”.

42 On page 10, line 3, after “person” insert “or public body”.

43 In line 9, after “person” insert “or public body”.

44 On page 11, line 2, after “person” insert “, governing body or public body”.

45 In line 9, delete “or the alleged violation is an administrative error”.

1 In line 16, after "person" insert "or public body".  
2 In line 21, after "person" insert "or public body".  
3 Delete lines 23 through 26.  
4 In line 27, restore "(a)" and delete "(b)".  
5 In line 30, restore "(b)" and delete "(c)".  
6 In line 31, restore "(c)" and delete "(d)".  
7 In line 35, delete "9" and insert "11".  
8 On page 12, line 2, after the first "of" insert "the public body or".  
9 In line 18, after "section" insert "against a public official".  
10 After line 21, insert:  
11 "(b) A civil penalty imposed against a public body under this section for a violation of ORS  
12 192.610 to 192.705 is a liability of the public body against whom the penalty is imposed and shall  
13 be paid by the public body."  
14 In line 22, delete "(b)" and insert "(c)".  
15 In lines 26 through 29, restore the bracketed material and delete the boldfaced material.  
16 In line 26, delete "(b)" and insert "(d)".  
17 In line 30, delete "10" and insert "12".  
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