

House Bill 3217

Sponsored by Representative NEARMAN; Representative RESCHKE

SUMMARY

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

Requires labor negotiation with public body to take place in open meeting. Prohibits public body from holding executive session for labor negotiation.

A BILL FOR AN ACT

1
2 Relating to the requirement of open meetings for labor negotiations involving public body; amending
3 ORS 192.660.

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

5 **SECTION 1.** ORS 192.660 is amended to read:

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

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

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

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

14 (c) To consider matters pertaining to the function of the medical staff of a public hospital li-
15 censed pursuant to ORS 441.015 to 441.063 and 441.196 including, but not limited to, all clinical
16 committees, executive, credentials, utilization review, peer review committees and all other matters
17 relating to medical competency in the hospital.

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

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

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

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

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

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

30 *[(j)]* **(i)** To carry on negotiations under ORS chapter 293 with private persons or businesses re-
31 garding proposed acquisition, exchange or liquidation of public investments.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

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

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

5 [(m)] (L) If the governing body is the State Landscape Architect Board, or an advisory commit-
 6 tee to the board, to consider information obtained as part of an investigation of registrant or ap-
 7 plicant conduct.

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

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

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

13 (C) Generation, storage or conveyance of:

14 (i) Electricity;

15 (ii) Gas in liquefied or gaseous form;

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

17 (iv) Petroleum products;

18 (v) Sewage; or

19 (vi) Water.

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

21 (E) Data transmissions by whatever means provided.

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

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

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

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

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

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

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

39 (c) The consideration of general employment policies.

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

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

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

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

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

4 (8) A governing body may not use an executive session for purposes of evaluating a chief exec-
5 utive officer or other officer, employee or staff member to conduct a general evaluation of an agency
6 goal, objective or operation or any directive to personnel concerning agency goals, objectives, op-
7 erations or programs.

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

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

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

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

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