Senate Bill 189

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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.**

Provides that state agency may adopt model rules prepared by Attorney General relating to confidentiality of mediation communications without complying with certain rulemaking procedures. Declares emergency, effective on passage.

A BILL FOR AN ACT

1

2 Relating to confidentiality of mediation communications; amending ORS 36.224; and declaring an

3 emergency.

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

5 **SECTION 1.** ORS 36.224 is amended to read:

6 36.224. (1) Except as provided in this section, mediation communications in mediations in which

7 a state agency is a party, or in which a state agency is mediating a dispute as to which the state

8 agency has regulatory authority, are not confidential and may be disclosed or admitted as evidence

9 in subsequent adjudicatory proceedings, as described in ORS 36.222 (7).

10 (2) The Attorney General shall develop **model** rules that provide for the confidentiality of me-

11 diation communications in mediations described in subsection (1) of this section. The rules shall also

12 provide for limitations on admissibility and disclosure in subsequent adjudicatory proceedings, as

13 described in ORS 36.222 (7). The rules shall contain provisions governing mediations of workplace

14 interpersonal disputes. **The rules may be amended by the Attorney General after notice and**

15 **opportunity for hearing as required by rulemaking procedures under ORS chapter 183.**

16 (3) **Model** rules developed by the Attorney General under this section must include a provision

17 for notice to the parties to a mediation regarding the extent to which the mediation communications

18 are confidential or subject to disclosure or introduction as evidence in subsequent adjudicatory

19 proceedings.

20 (4) A state agency may adopt [*any or all of*] the **model** rules developed by the Attorney General

21 under this section[. *The agency shall provide the Governor with a copy of the rules that the agency*

22 *proposes to adopt at the time that the agency gives notice of intended action under ORS 183.335. The*

23 *Governor may notify the agency that the Governor disapproves of the proposed rules at any time before*

24 *the agency files the rules with the Secretary of State under ORS 183.355.*] **in their entirety without**

25 **complying with the rulemaking procedures under ORS 183.335. The agency shall file notice**

26 **of adoption of rules under this subsection with the Secretary of State in the manner provided**

27 **by ORS 183.355 for the filing of rules.**

28 (5) Except as provided in ORS 36.222, mediation communications in any mediation regarding a

29 claim for workers' compensation benefits conducted pursuant to rules adopted by the Workers'

30 Compensation Board are confidential, are not subject to disclosure under ORS 192.410 to 192.505 and

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 may not be disclosed or admitted as evidence in subsequent adjudicatory proceedings, as described

2 in ORS 36.222 (7), without regard to whether a state agency or other public body is a party to the

3 mediation or is the mediator in the mediation.

4   (6) Mediation communications made confidential by a rule adopted by a state agency [*under this*

5 *section*] are not subject to disclosure under ORS 192.410 to 192.505.

6   **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**

7 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**

8 **on its passage.**

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