

House Bill 3223

Sponsored by Representative PARRISH

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 public body to make available online all records of deliberations of meeting held by electronic communication within seven days of date of meeting. Imposes civil penalty for violation.

A BILL FOR AN ACT

1
2 Relating to public meetings; creating new provisions; and amending ORS 192.670 and 192.680.

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

4 **SECTION 1.** ORS 192.670 is amended to read:

5 192.670. (1) Any meeting, including an executive session, of a governing body of a public body
6 *[which]* **that** is held through the use of telephone or other electronic communication, **including text**
7 **messaging, chat rooms, instant messaging or other social media technology**, *[shall]* **must** be
8 conducted in accordance with ORS 192.610 to 192.690.

9 (2) When telephone or other electronic *[means of]* communication is used and the meeting is not
10 an executive session, the governing body of the public body shall make available to the public at
11 least one place where, or at least one electronic means by which, the public can listen to the com-
12 munication at the time it occurs. A place provided may be a place where no member of the gov-
13 erning body of the public body is present.

14 **(3) Within seven days of the date of a meeting that is not an executive session and that**
15 **is held through electronic communication, the governing body of the public body shall make**
16 **available free of charge on a website operated by or on behalf of the public body all records**
17 **of deliberations of the meeting.**

18 **SECTION 2.** ORS 192.680 is amended to read:

19 192.680. (1) A decision made by a governing body of a public body in violation of ORS 192.610
20 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public
21 body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is
22 reinstated is effective from the date of its initial adoption.

23 (2) Any person affected by a decision of a governing body of a public body may commence a suit
24 in the circuit court for the county in which the governing body ordinarily meets, for the purpose
25 of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members
26 of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or
27 decisions of the governing body.

28 (3) Notwithstanding subsection (1) of this section, if the court finds that the public body made
29 a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the
30 governing body if the court finds that the violation was the result of intentional disregard of the law
31 or willful misconduct by a quorum of the members of the governing body, unless other equitable

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 relief is available. The court may order such equitable relief as it deems appropriate in the cir-
2 cumstances. The court may order payment to a successful plaintiff in a suit brought under this
3 section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of
4 which it is a part or to which it reports.

5 (4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under
6 subsection (2) of this section and that the violation is the result of willful misconduct by any member
7 or members of the governing body, that member or members shall be jointly and severally liable to
8 the governing body or the public body of which it is a part for the amount paid by the body under
9 subsection (3) of this section.

10 (5) Any suit brought under subsection (2) of this section must be commenced within 60 days
11 following the date that the decision becomes public record.

12 **(6)(a) The Department of Justice may impose a civil penalty on each member of a gov-**
13 **erning body of a public body for a violation of ORS 192.670 (3). A civil penalty imposed under**
14 **this subsection may not exceed \$5,000 per violation.**

15 **(b) Civil penalties under this subsection shall be imposed in the manner provided by ORS**
16 **183.745.**

17 [(6)] (7) The provisions of this section shall be the exclusive remedy for an alleged violation of
18 ORS 192.610 to 192.690.

19 **SECTION 3. The amendments to ORS 192.670 and 192.680 by sections 1 and 2 of this 2017**
20 **Act apply to meetings of governing bodies of public bodies held on or after the effective date**
21 **of this 2017 Act.**

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