

SB 759-7
(LC 3568)
6/17/21 (JAS/ps)

Requested by Representative DRAZAN

**PROPOSED AMENDMENTS TO
SENATE BILL 759**

1 In line 2 of the printed bill, after “ORS” insert “192.660 and”.

2 Delete lines 16 through 18 and insert:

3 “(3)(a) The presiding officers of each house of the Legislative Assembly
4 shall represent the legislative department in collective bargaining negoti-
5 ations with the certified or recognized exclusive representatives of all ap-
6 propriate bargaining units of employees of the legislative department. The
7 presiding officers shall designate such collective bargaining responsibility to
8 a chief negotiator who, after consultation with the majority party and the
9 minority party caucus leaders of the Senate and the House of Represen-
10 tatives, shall establish a bargaining team to carry out the collective bar-
11 gaining negotiations.

12 “(b) Any final agreement that results from the collective bargaining ne-
13 gotiations under this subsection shall be ratified by both chambers of the
14 Legislative Assembly.

15 “(4) Any collective bargaining agreement entered into as a result of ne-
16 gotiations under subsection (3) of this section may not alter the at-will em-
17 ployment status of a legislative assistant.

18 **“SECTION 2.** ORS 192.660 is amended to read:

19 “192.660. (1) ORS 192.610 to 192.690 do not prevent the governing body of
20 a public body from holding executive session during a regular, special or
21 emergency meeting, after the presiding officer has identified the authori-

1 zation under ORS 192.610 to 192.690 for holding the executive session.

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

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

5 “(b) To consider the dismissal or disciplining of, or to hear complaints
6 or charges brought against, a public officer, employee, staff member or indi-
7 vidual agent who does not request an open hearing.

8 “(c) To consider matters pertaining to the function of the medical staff
9 of a public hospital licensed pursuant to ORS 441.015 to 441.087 including,
10 but not limited to, all clinical committees, executive, credentials, utilization
11 review, peer review committees and all other matters relating to medical
12 competency in the hospital.

13 “(d) To conduct deliberations with persons designated by the governing
14 body to carry on labor negotiations.

15 “(e) To conduct deliberations with persons designated by the governing
16 body to negotiate real property transactions.

17 “(f) To consider information or records that are exempt by law from
18 public inspection.

19 “(g) To consider preliminary negotiations involving matters of trade or
20 commerce in which the governing body is in competition with governing
21 bodies in other states or nations.

22 “(h) To consult with counsel concerning the legal rights and duties of a
23 public body with regard to current litigation or litigation likely to be filed.

24 “(i) To review and evaluate the employment-related performance of the
25 chief executive officer of any public body, a public officer, employee or staff
26 member who does not request an open hearing.

27 “(j) To carry on negotiations under ORS chapter 293 with private persons
28 or businesses regarding proposed acquisition, exchange or liquidation of
29 public investments.

30 “(k) To consider matters relating to school safety or a plan that responds

1 to safety threats made toward a school.

2 “(L) If the governing body is a health professional regulatory board, to
3 consider information obtained as part of an investigation of licensee or ap-
4 plicant conduct.

5 “(m) If the governing body is the State Landscape Architect Board, or an
6 advisory committee to the board, to consider information obtained as part
7 of an investigation of registrant or applicant conduct.

8 “(n) To discuss information about review or approval of programs relating
9 to the security 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
12 a nuclear-fueled thermal 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
21 systems.

22 “(E) Data transmissions by whatever means provided.

23 “(3)(a) **Except as provided in paragraph (b) of this subsection,** labor
24 negotiations shall be conducted in open meetings unless negotiators for both
25 sides request that negotiations be conducted in executive session. Labor ne-
26 gotiations conducted in executive session are not subject to the notification
27 requirements of ORS 192.640.

28 “(b) **Labor negotiations described in ORS 243.696 (3) shall be con-**
29 **ducted in open meetings and may not be conducted in executive ses-**
30 **sion.**

1 “(4) Representatives of the news media shall be allowed to attend execu-
2 tive sessions other than those held under subsection (2)(d) of this section
3 relating to labor negotiations or executive session held pursuant to ORS
4 332.061 (2) but the governing body may require that specified information be
5 undisclosed.

6 “(5) When a governing body convenes an executive session under sub-
7 section (2)(h) of this section relating to conferring with counsel on current
8 litigation or litigation likely to be filed, the governing body shall bar any
9 member of the news media from attending the executive session if the mem-
10 ber of the news media is a party to the litigation or is an employee, agent
11 or contractor of a news media organization that is a party to the litigation.

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

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

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

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

19 “(c) The consideration of general employment policies.

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

22 “(A) The public body has advertised the vacancy;

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

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

26 “(D) In the case of a chief executive officer, the governing body has
27 adopted hiring standards, criteria and policy directives in meetings open to
28 the public in which the public has had the opportunity to comment on the
29 standards, criteria and policy directives.

30 “(8) A governing body may not use an executive session for purposes of

1 evaluating a chief executive officer or other officer, employee or staff mem-
2 ber to conduct a general evaluation of an agency goal, objective or operation
3 or any directive to personnel concerning agency goals, objectives, operations
4 or programs.

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

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

10 “(b) ORS 671.338 governs the public disclosure of minutes, transcripts or
11 recordings relating to the substance and disposition of registrant or appli-
12 cant conduct investigated by the State Landscape Architect Board or an ad-
13 visory committee to the board.

14 “(10) Notwithstanding ORS 244.290, the Oregon Government Ethics Com-
15 mission may not adopt rules that establish what entities are considered rep-
16 resentatives of the news media that are entitled to attend executive sessions
17 under subsection (4) of this section.”.

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