

A-Engrossed
House Bill 2806

Ordered by the House March 21
Including House Amendments dated March 21

Sponsored by Representatives SOSA, NERON, MORGAN; Representatives DEXTER, EVANS, Senator GELSER BLOUIN (at the request of Association of Oregon Counties, Councilor Gabe Shepherd - Corvallis) (Presession filed.)

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.

Authorizes governing body of public body to meet in executive session to consider matters relating to safety of governing body, public body staff and public body volunteers and to security of public body facilities and meeting spaces, and relating to cyber security infrastructure and responses to cyber security threats.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public meetings; amending ORS 192.660; and declaring an emergency.

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

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

5 192.660. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from
6 holding executive session during a regular, special or emergency meeting, after the presiding officer
7 has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

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

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

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

13 (c) To consider matters pertaining to the function of the medical staff of a public hospital li-
14 censed pursuant to ORS 441.015 to 441.087 including, but not limited to, all clinical committees,
15 executive, credentials, utilization review, peer review committees and all other matters relating to
16 medical competency in the hospital.

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

19 (e) To conduct deliberations with persons designated by the governing body to negotiate real
20 property transactions.

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

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

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

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

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

5 (k) To consider matters relating to school safety or a plan that responds to safety threats made
6 toward a school.

7 (L) If the governing body is a health professional regulatory board, to consider information ob-
8 tained as part of an investigation of licensee or applicant conduct.

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

12 (n) To discuss information about review or approval of programs relating to the security of any
13 of the following:

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

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

17 (C) Generation, storage or conveyance of:

18 (i) Electricity;

19 (ii) Gas in liquefied or gaseous form;

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

21 (iv) Petroleum products;

22 (v) Sewage; or

23 (vi) Water.

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

25 (E) Data transmissions by whatever means provided.

26 **(o) To consider matters relating to the safety of the governing body and of public body**
27 **staff and volunteers and the security of public body facilities and meeting spaces.**

28 **(p) To consider matters relating to cyber security infrastructure and responses to cyber**
29 **security threats.**

30 (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides
31 request that negotiations be conducted in executive session. Labor negotiations conducted in exec-
32 utive session are not subject to the notification requirements of ORS 192.640.

33 (4) Representatives of the news media shall be allowed to attend executive sessions other than
34 those held under subsection (2)(d) of this section relating to labor negotiations or executive session
35 held pursuant to ORS 332.061 (2) but the governing body may require that specified information be
36 undisclosed.

37 (5) When a governing body convenes an executive session under subsection (2)(h) of this section
38 relating to conferring with counsel on current litigation or litigation likely to be filed, the governing
39 body shall bar any member of the news media from attending the executive session if the member
40 of the news media is a party to the litigation or is an employee, agent or contractor of a news media
41 organization that is a party to the litigation.

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

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

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

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

2 (c) The consideration of general employment policies.

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

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

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

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

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

12 (8) A governing body may not use an executive session for purposes of evaluating a chief execu-
13 tive officer or other officer, employee or staff member to conduct a general evaluation of an agency
14 goal, objective or operation or any directive to personnel concerning agency goals, objectives, op-
15 erations or programs.

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

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

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

23 (10) Any person may submit to the Oregon Government Ethics Commission:

24 (a) A written request for the commission to issue and publish a commission advisory opinion
25 under ORS 244.280 on the application of this section to any actual or hypothetical circumstance;

26 (b) A written request for the executive director of the Oregon Government Ethics Commission
27 to issue and publish a staff advisory opinion under ORS 244.282 on the application of this section
28 to any actual or hypothetical circumstance; or

29 (c) A written or oral request for the executive director or other staff of the commission to issue
30 written or oral staff advice under ORS 244.284 on the application of this section to any actual or
31 hypothetical circumstance.

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

35 **SECTION 2. This 2023 Act being necessary for the immediate preservation of the public**
36 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
37 **on its passage.**

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