

# Minority Report

## A-Engrossed

# House Bill 4059

Ordered by the House February 19  
Including House Minority Report Amendments dated February 19

Sponsored by nonconcurring members of the House Committee on Agriculture, Land Use, Natural Resources, and Water: Representatives OWENS, SCHARF

### 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. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest: The Act creates new short-term limits on canola production in the Willamette Valley. The Act creates new long-term limits on the canola production. The new short-term and long-term limits are different from the current limits. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 61.9).**

*[Digest: The Act tells a state agency to study issues around a genus of plants in the cabbage and mustard family in an area south of Salem. The Act tells the state agency to report on the results of the study. (Flesch Readability Score: 65.1).]*

*[Directs the State Department of Agriculture to study issues relating to brassica production in the Willamette Valley Protected District and report on the results to an appropriate committee or interim committee of the Legislative Assembly no later than September 15, 2025.]*

**Repeals temporary provisions relating to limits on Willamette Valley Protected District canola production.**

**Establishes temporary limits on Willamette Valley Protected District canola production. Repeals the limits on March 31, 2025.**

**Establishes permanent limits on Willamette Valley Protected District brassica seed production that become operative on April 1, 2025.**

**Authorizes the State Department of Agriculture to establish a system for registering brassica seed crops.**

**Requires Willamette Valley Protected District brassica seed producers to register with the department, keep certain records and maintain isolation distances or enter into isolation distance exception agreements.**

**Authorizes the department to assess certain civil penalties for violations of the limits.**

**Provides that the records submitted to the department under the limits are exempt from disclosure as public records.**

**Declares an emergency, effective on passage.**

### A BILL FOR AN ACT

1  
2 Relating to brassica production in the Willamette Valley Protected District; creating new provisions;  
3 amending ORS 192.355; repealing sections 1, 2, 3 and 4, chapter 370, Oregon Laws 2023; and  
4 declaring an emergency.

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

### BRASSICA PRODUCTION THROUGH MARCH 31, 2025

6  
7  
8  
9 **SECTION 1. Sections 1, 2, 3 and 4, chapter 370, Oregon Laws 2023, are repealed.**

10 **SECTION 2. (1) As used in this section:**

11 **(a) "Canola" means plants of the species *Brassica napus* and *Brassica rapa*.**

12 **(b) "Willamette Valley Protected District" means the area encompassed within a rec-**

**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 **tangle formed by the point in Tillamook County that is the northwest corner of township 1**  
2 **north, range 6 west, the point in Multnomah County that is the most northeastern point of**  
3 **township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast**  
4 **corner of township 19 south, range 2 east and the point in Lane County that is the southwest**  
5 **corner of township 19 south, range 6 west.**

6 **(2) A person growing canola within the Willamette Valley Protected District must receive**  
7 **prior approval by license from the State Department of Agriculture.**

8 **(3) The department may:**

9 **(a) Authorize a person to grow canola within the Willamette Valley Protected District**  
10 **only in a manner that maintains a distance of three miles between the edges of fields in**  
11 **which canola is grown.**

12 **(b) Authorize not more than 2,500 acres of canola production within the Willamette Val-**  
13 **ley Protected District.**

14 **(c) Assess a civil penalty, not to exceed \$25,000, against a person that violates subsection**  
15 **(2) of this section or the terms of a license issued under this section.**

16 **SECTION 3. Section 2 of this 2024 Act is repealed on March 31, 2025.**

17  
18 **BRASSICA PRODUCTION AFTER MARCH 31, 2025**

19  
20 **SECTION 4. (1) Sections 5 to 8 of this 2024 Act and the amendments to ORS 192.355 by**  
21 **section 10 of this 2024 Act become operative on April 1, 2025.**

22 **(2) The State Department of Agriculture may take any actions necessary before the op-**  
23 **erative date specified in subsection (1) of this section to exercise, on and after the operative**  
24 **date specified in subsection (1) of this section, all of the duties, functions and powers con-**  
25 **ferred on the department under sections 5 to 8 of this 2024 Act and the amendments to ORS**  
26 **192.355 by section 10 of this 2024 Act.**

27 **SECTION 5. As used in sections 5 to 8 of this 2024 Act:**

28 **(1) “Brassica seed crop” means a seed crop of Brassica carinata, Brassica napus,**  
29 **Brassica juncea, Brassica oleracea, Brassica rapa or Brassica nigra.**

30 **(2) “Brassica seed producer” means a person, or a representative of a person, who grows**  
31 **a brassica seed crop within the Willamette Valley Protected District.**

32 **(3) “Isolation distance” means three miles between the edges of fields in which brassica**  
33 **seed crops are grown.**

34 **(4) “Isolation distance exception agreement” means a written and signed agreement be-**  
35 **tween brassica seed producers to plant brassica seed crops in fields that are closer together**  
36 **than the isolation distance, in which the brassica seed producers agree to accept the risk of**  
37 **not maintaining the isolation distance.**

38 **(5) “Willamette Valley Protected District” means the area encompassed within a rec-**  
39 **tangle formed by the point in Tillamook County that is the northwest corner of township 1**  
40 **north, range 6 west, the point in Multnomah County that is the most northeastern point of**  
41 **township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast**  
42 **corner of township 19 south, range 2 east and the point in Lane County that is the southwest**  
43 **corner of township 19 south, range 6 west.**

44 **SECTION 6. (1) The State Department of Agriculture may establish by rule a system for**  
45 **registering brassica seed crop.**

1 (2) The system for registering brassica seed crop:

2 (a) May require a brassica seed producer who registers brassica seed crop to provide re-  
3 cords of:

4 (A) The stock of the brassica seed crop; and

5 (B) Compliance with section 7 of this 2024 Act.

6 (b) May establish relevant deadlines.

7 (3) The department may contract for services to facilitate compliance with rules adopted  
8 under this section and with section 7 of this 2024 Act, including for developing and main-  
9 taining a field identification mapping service or a pinning map.

10 (4) Under ORS 192.355, records submitted to the department pursuant to section 7 of this  
11 2024 Act or rules adopted under this section are exempt from disclosure as public records.

12 (5) Notwithstanding subsection (4) of this section, the department may disclose records  
13 described in subsection (4) of this section in an aggregated manner that protects unique  
14 identifying information.

15 (6) The department shall deposit all moneys received under sections 5 to 8 of this 2024  
16 Act, including moneys received as fees or as civil penalties, in the Department of Agriculture  
17 Service Fund established by ORS 561.144.

18 **SECTION 7. (1) A brassica seed producer:**

19 (a) Shall register with the State Department of Agriculture before growing a brassica  
20 seed crop in the Willamette Valley Protected District.

21 (b) Shall comply with all applicable laws and rules.

22 (c) Shall maintain isolation distances between fields in the Willamette Valley Protected  
23 District in which brassica seed crop are grown, unless the brassica seed producer:

24 (A) Owns or manages both fields; or

25 (B) Enters into an isolation distance exception agreement for the fields.

26 (d) May not grow a brassica seed crop in the Willamette Valley Protected District in a  
27 manner that does not maintain an isolation distance, unless the brassica seed producer has  
28 entered into an applicable isolation distance exception agreement.

29 (e) Shall keep records that demonstrate compliance with this section, and with rules  
30 adopted pursuant to section 6 of this 2024 Act, on and after the effective date of this 2024  
31 Act.

32 (2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected  
33 District due to isolation distances and the brassica seed producers that own or manage the  
34 fields have both made good faith efforts to agree on an isolation distance exception agree-  
35 ment but have not reached an agreement, in accordance with any applicable deadline estab-  
36 lished by the department, the brassica seed producers:

37 (a) May ask the department to determine, using a neutral method based on chance, which  
38 one of the brassica seed producers may grow brassica seed crops in the brassica seed  
39 producer's field during the applicable calendar year.

40 (b) Shall pay any applicable fee related to the department's determination.

41 (3) Notwithstanding subsection (2)(a) of this section, the department may not allow a  
42 brassica seed producer described in subsection (2) of this section who has not made good  
43 faith efforts to agree on an isolation distance exception agreement to grow a brassica seed  
44 crop in the relevant field.

45 **SECTION 8. If a person violates section 7 of this 2024 Act, or a rule adopted under sec-**

1 **tion 6 of this 2024 Act, the State Department of Agriculture may:**

2 (1) **If the violation was not grossly negligent, assess a civil penalty, not to exceed \$25,000,**  
3 **against the person and prohibit the person from growing brassica seed crop in the**  
4 **Willamette Valley Protected District for a period of up to three years.**

5 (2) **If the violation was grossly negligent, assess a civil penalty, not to exceed \$50,000,**  
6 **against the person and prohibit the person from growing brassica seed crop in the**  
7 **Willamette Valley Protected District for a period of up to five years.**

8 **SECTION 9.** Section 7 of this 2024 Act is amended to read:

9 **Sec. 7.** (1) A brassica seed producer:

10 (a) Shall register with the State Department of Agriculture before growing a brassica seed crop  
11 in the Willamette Valley Protected District.

12 (b) Shall comply with all applicable laws and rules.

13 (c) Shall maintain isolation distances between fields in the Willamette Valley Protected District  
14 in which brassica seed crop are grown, unless the brassica seed producer:

15 (A) Owns or manages both fields; or

16 (B) Enters into an isolation distance exception agreement for the fields.

17 (d) May not grow a brassica seed crop in the Willamette Valley Protected District in a manner  
18 that does not maintain an isolation distance, unless the brassica seed producer has entered into an  
19 applicable isolation distance exception agreement.

20 (e) Shall keep records that demonstrate compliance with this section, and with rules adopted  
21 pursuant to section 6 of this 2024 Act, *[on and after the effective date of this 2024 Act]* **for the pre-**  
22 **vious three calendar years.**

23 (2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected District  
24 due to isolation distances and the brassica seed producers that own or manage the fields have both  
25 made good faith efforts to agree on an isolation distance exception agreement but have not reached  
26 an agreement, in accordance with any applicable deadline established by the department, the  
27 brassica seed producers:

28 (a) May ask the department to determine, using a neutral method based on chance, which one  
29 of the brassica seed producers may grow brassica seed crops in the brassica seed producer's field  
30 during the applicable calendar year.

31 (b) Shall pay any applicable fee related to the department's determination.

32 (3) Notwithstanding subsection (2)(a) of this section, the department may not allow a brassica  
33 seed producer described in subsection (2) of this section who has not made good faith efforts to  
34 agree on an isolation distance exception agreement to grow a brassica seed crop in the relevant  
35 field.

36 **SECTION 9a.** **The amendments to section 7 of this 2024 Act by section 9 of this 2024 Act**  
37 **become operative on April 1, 2028.**

38 **SECTION 10.** ORS 192.355 is amended to read:

39 192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

40 (1) Communications within a public body or between public bodies of an advisory nature to the  
41 extent that they cover other than purely factual materials and are preliminary to any final agency  
42 determination of policy or action. This exemption shall not apply unless the public body shows that  
43 in the particular instance the public interest in encouraging frank communication between officials  
44 and employees of public bodies clearly outweighs the public interest in disclosure.

45 (2)(a) Information of a personal nature such as but not limited to that kept in a personal, med-

1 ical or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless  
2 the public interest by clear and convincing evidence requires disclosure in the particular instance.  
3 The party seeking disclosure shall have the burden of showing that public disclosure would not  
4 constitute an unreasonable invasion of privacy.

5 (b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency  
6 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of  
7 the deceased person, unless the public interest by clear and convincing evidence requires disclosure  
8 in the particular instance. The party seeking disclosure shall have the burden of showing that public  
9 disclosure would not constitute an unreasonable invasion of privacy.

10 (3) Upon compliance with ORS 192.363, public body employee or volunteer residential addresses,  
11 residential telephone numbers, personal cellular telephone numbers, personal electronic mail ad-  
12 dresses, driver license numbers, employer-issued identification card numbers, emergency contact in-  
13 formation, Social Security numbers, dates of birth and other telephone numbers contained in  
14 personnel records maintained by the public body that is the employer or the recipient of volunteer  
15 services. This exemption:

16 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-  
17 unteers who are elected officials, except that a judge or district attorney subject to election may  
18 seek to exempt the judge's or district attorney's address or telephone number, or both, under the  
19 terms of ORS 192.368;

20 (b) Does not apply to employees or volunteers to the extent that the party seeking disclosure  
21 shows by clear and convincing evidence that the public interest requires disclosure in a particular  
22 instance pursuant to ORS 192.363;

23 (c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a pro-  
24 fessional education association of which the substitute teacher may be a member; and

25 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.809.

26 (4) Information submitted to a public body in confidence and not otherwise required by law to  
27 be submitted, where such information should reasonably be considered confidential, the public body  
28 has obliged itself in good faith not to disclose the information, and when the public interest would  
29 suffer by the disclosure.

30 (5) Information or records of the Department of Corrections, including the State Board of Parole  
31 and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabilitation of  
32 a person in custody of the department or substantially prejudice or prevent the carrying out of the  
33 functions of the department, if the public interest in confidentiality clearly outweighs the public in-  
34 terest in disclosure.

35 (6) Records, reports and other information received or compiled by the Director of the Depart-  
36 ment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not  
37 otherwise required by law to be made public, to the extent that the interests of lending institutions,  
38 their officers, employees and customers in preserving the confidentiality of such information out-  
39 weighs the public interest in disclosure.

40 (7) Reports made to or filed with the court under ORS 137.077 or 137.530.

41 (8) Any public records or information the disclosure of which is prohibited by federal law or  
42 regulations.

43 (9)(a) Public records or information the disclosure of which is prohibited or restricted or other-  
44 wise made confidential or privileged under Oregon law.

45 (b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual information

1 compiled in a public record when:

2 (A) The basis for the claim of exemption is ORS 40.225;

3 (B) The factual information is not prohibited from disclosure under any applicable state or fed-  
4 eral law, regulation or court order and is not otherwise exempt from disclosure under ORS 192.311  
5 to 192.478;

6 (C) The factual information was compiled by or at the direction of an attorney as part of an  
7 investigation on behalf of the public body in response to information of possible wrongdoing by the  
8 public body;

9 (D) The factual information was not compiled in preparation for litigation, arbitration or an  
10 administrative proceeding that was reasonably likely to be initiated or that has been initiated by  
11 or against the public body; and

12 (E) The holder of the privilege under ORS 40.225 has made or authorized a public statement  
13 characterizing or partially disclosing the factual information compiled by or at the attorney's di-  
14 rection.

15 (10) Public records or information described in this section, furnished by the public body ori-  
16 ginally compiling, preparing or receiving them to any other public officer or public body in con-  
17 nection with performance of the duties of the recipient, if the considerations originally giving rise  
18 to the confidential or exempt nature of the public records or information remain applicable.

19 (11) Records of the Energy Facility Siting Council concerning the review or approval of security  
20 programs pursuant to ORS 469.530.

21 (12) Employee and retiree address, telephone number and other nonfinancial membership records  
22 and employee financial records maintained by the Public Employees Retirement System pursuant to  
23 ORS chapters 238 and 238A or by another retirement system operated by a public body.

24 (13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the  
25 agents of the treasurer or the council relating to active or proposed publicly traded investments  
26 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or  
27 liquidation of the investments. For the purposes of this subsection:

28 (a) The exemption does not apply to:

29 (A) Information in investment records solely related to the amount paid directly into an invest-  
30 ment by, or returned from the investment directly to, the treasurer or council; or

31 (B) The identity of the entity to which the amount was paid directly or from which the amount  
32 was received directly.

33 (b) An investment in a publicly traded investment is no longer active when acquisition, exchange  
34 or liquidation of the investment has been concluded.

35 (14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the  
36 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed  
37 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset  
38 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or  
39 liquidation of the investments including but not limited to:

40 (A) Due diligence materials that are proprietary to an investment fund, to an asset ownership  
41 or to their respective investment vehicles.

42 (B) Financial statements of an investment fund, an asset ownership or their respective invest-  
43 ment vehicles.

44 (C) Meeting materials of an investment fund, an asset ownership or their respective investment  
45 vehicles.

1 (D) Records containing information regarding the portfolio positions in which an investment  
2 fund, an asset ownership or their respective investment vehicles invest.

3 (E) Capital call and distribution notices of an investment fund, an asset ownership or their re-  
4 spective investment vehicles.

5 (F) Investment agreements and related documents.

6 (b) The exemption under this subsection does not apply to:

7 (A) The name, address and vintage year of each privately placed investment fund.

8 (B) The dollar amount of the commitment made to each privately placed investment fund since  
9 inception of the fund.

10 (C) The dollar amount of cash contributions made to each privately placed investment fund since  
11 inception of the fund.

12 (D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State  
13 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,  
14 council or board from each privately placed investment fund.

15 (E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately  
16 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment  
17 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

18 (F) The net internal rate of return of each privately placed investment fund since inception of  
19 the fund.

20 (G) The investment multiple of each privately placed investment fund since inception of the fund.

21 (H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end  
22 basis to each privately placed investment fund.

23 (I) The dollar amount of cash profit received from each privately placed investment fund on a  
24 fiscal year-end basis.

25 (15) The monthly reports prepared and submitted under ORS 293.761 and 293.766 concerning the  
26 Public Employees Retirement Fund and the Industrial Accident Fund may be uniformly treated as  
27 exempt from disclosure for a period of up to 90 days after the end of the calendar quarter.

28 (16) Reports of unclaimed property filed by the holders of such property to the extent permitted  
29 by ORS 98.352.

30 (17)(a) The following records, communications and information submitted to the Oregon Business  
31 Development Commission, the Oregon Business Development Department, the State Department of  
32 Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS  
33 777.005, or a county or city governing body and any board, department, commission, council or  
34 agency thereof, by applicants for investment funds, grants, loans, services or economic development  
35 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

36 (A) Personal financial statements.

37 (B) Financial statements of applicants.

38 (C) Customer lists.

39 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
40 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
41 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
42 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
43 ery or deposition statutes to a party to litigation or potential litigation.

44 (E) Production, sales and cost data.

45 (F) Marketing strategy information that relates to applicant's plan to address specific markets

1 and applicant's strategy regarding specific competitors.

2 (b) The following records, communications and information submitted to the State Department  
3 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

4 (A) Personal financial statements.

5 (B) Financial statements of applicants.

6 (C) Customer lists.

7 (D) Information of an applicant pertaining to litigation to which the applicant is a party if the  
8 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such  
9 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been  
10 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-  
11 ery or deposition statutes to a party to litigation or potential litigation.

12 (E) Production, sales and cost data.

13 (F) Marketing strategy information that relates to applicant's plan to address specific markets  
14 and applicant's strategy regarding specific competitors.

15 (18) Records, reports or returns submitted by private concerns or enterprises required by law  
16 to be submitted to or inspected by a governmental body to allow it to determine the amount of any  
17 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such  
18 information is in a form which would permit identification of the individual concern or enterprise.  
19 Nothing in this subsection shall limit the use which can be made of such information for regulatory  
20 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-  
21 payer of the delinquency immediately by certified mail. However, in the event that the payment or  
22 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the  
23 public body shall disclose, upon the request of any person, the following information:

24 (a) The identity of the individual concern or enterprise that is delinquent over 60 days in the  
25 payment or delivery of the taxes.

26 (b) The period for which the taxes are delinquent.

27 (c) The actual, or estimated, amount of the delinquency.

28 (19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-  
29 pointed counsel, and all information supplied to the court from whatever source for the purpose of  
30 verifying the financial eligibility of a person pursuant to ORS 151.485.

31 (20) Workers' compensation claim records of the Department of Consumer and Business Services,  
32 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-  
33 ness Services, in any of the following circumstances:

34 (a) When necessary for insurers, self-insured employers and third party claim administrators to  
35 process workers' compensation claims.

36 (b) When necessary for the director, other governmental agencies of this state or the United  
37 States to carry out their duties, functions or powers.

38 (c) When the disclosure is made in such a manner that the disclosed information cannot be used  
39 to identify any worker who is the subject of a claim.

40 (d) When a worker or the worker's representative requests review of the worker's claim record.

41 (21) Sensitive business records or financial or commercial information of the Oregon Health and  
42 Science University that is not customarily provided to business competitors.

43 (22) Records of Oregon Health and Science University regarding candidates for the position of  
44 president of the university.

45 (23) The records of a library, including:



- 1 (a) Circulation records, showing use of specific library material by a named person;
  - 2 (b) The name of a library patron together with the address or telephone number of the patron;
  - 3 and
  - 4 (c) The electronic mail address of a patron.
- 5 (24) The following records, communications and information obtained by the Housing and Com-
- 6 munity Services Department in connection with the department's monitoring or administration of
- 7 financial assistance or of housing or other developments:
- 8 (a) Personal and corporate financial statements and information, including tax returns.
  - 9 (b) Credit reports.
  - 10 (c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
  - 11 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
  - 12 of as part of the project, but only after the transactions have closed and are concluded.
  - 13 (d) Market studies and analyses.
  - 14 (e) Articles of incorporation, partnership agreements and operating agreements.
  - 15 (f) Commitment letters.
  - 16 (g) Project pro forma statements.
  - 17 (h) Project cost certifications and cost data.
  - 18 (i) Audits.
  - 19 (j) Project tenant correspondence.
  - 20 (k) Personal information about a tenant.
  - 21 (L) Housing assistance payments.
- 22 (25) Raster geographic information system (GIS) digital databases, provided by private forestland
- 23 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
- 24 that is not otherwise required by law to be submitted.
- 25 (26) Sensitive business, commercial or financial information furnished to or developed by a
- 26 public body engaged in the business of providing electricity or electricity services, if the information
- 27 is directly related to a transaction described in ORS 261.348, or if the information is directly related
- 28 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
- 29 disclosure of the information would cause a competitive disadvantage for the public body or its re-
- 30 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
- 31 velopment or review of generally applicable rate schedules.
- 32 (27) Sensitive business, commercial or financial information furnished to or developed by the
- 33 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
- 34 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
- 35 and disclosure of the information would cause a competitive disadvantage for the Klamath
- 36 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
- 37 ment or review of generally applicable rate schedules.
- 38 (28) Personally identifiable information about customers of a municipal electric utility or a
- 39 people's utility district or the names, dates of birth, driver license numbers, telephone numbers,
- 40 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
- 41 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
- 42 lease personally identifiable information about a customer, and a public body providing water, sewer
- 43 or storm drain services may release the name, date of birth, driver license number, telephone num-
- 44 ber, electronic mail address or Social Security number of a customer, if the customer consents in
- 45 writing or electronically, if the disclosure is necessary for the utility, district or other public body

1 to render services to the customer, if the disclosure is required pursuant to a court order or if the  
2 disclosure is otherwise required by federal or state law. The utility, district or other public body  
3 may charge as appropriate for the costs of providing such information. The utility, district or other  
4 public body may make customer records available to third party credit agencies on a regular basis  
5 in connection with the establishment and management of customer accounts or in the event such  
6 accounts are delinquent.

7 (29) A record of the street and number of an employee's address submitted to a special district  
8 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

9 (30) Sensitive business records, capital development plans or financial or commercial information  
10 of Oregon Corrections Enterprises that is not customarily provided to business competitors.

11 (31) Documents, materials or other information submitted to the Director of the Department of  
12 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory  
13 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates  
14 or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200  
15 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the Insurance Code  
16 when:

17 (a) The document, material or other information is received upon notice or with an under-  
18 standing that it is confidential or privileged under the laws of the jurisdiction that is the source of  
19 the document, material or other information; and

20 (b) The director has obligated the Department of Consumer and Business Services not to dis-  
21 close the document, material or other information.

22 (32) A county elections security plan developed and filed under ORS 254.074.

23 (33) Information about review or approval of programs relating to the security of:

24 (a) Generation, storage or conveyance of:

25 (A) Electricity;

26 (B) Gas in liquefied or gaseous form;

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

28 (D) Petroleum products;

29 (E) Sewage; or

30 (F) Water.

31 (b) Telecommunication systems, including cellular, wireless or radio systems.

32 (c) Data transmissions by whatever means provided.

33 (34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court des-  
34 ignates the information as confidential by rule under ORS 1.002.

35 (35)(a) Employer account records of the State Accident Insurance Fund Corporation.

36 (b) As used in this subsection, "employer account records" means all records maintained in any  
37 form that are specifically related to the account of any employer insured, previously insured or un-  
38 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-  
39 mation obtained or developed by the corporation in connection with providing, offering to provide  
40 or declining to provide insurance to a specific employer. "Employer account records" includes, but  
41 is not limited to, an employer's payroll records, premium payment history, payroll classifications,  
42 employee names and identification information, experience modification factors, loss experience and  
43 dividend payment history.

44 (c) The exemption provided by this subsection may not serve as the basis for opposition to the  
45 discovery documents in litigation pursuant to applicable rules of civil procedure.

1 (36)(a) Claimant files of the State Accident Insurance Fund Corporation.

2 (b) As used in this subsection, “claimant files” includes, but is not limited to, all records held  
3 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all  
4 records pertaining to such a claim.

5 (c) The exemption provided by this subsection may not serve as the basis for opposition to the  
6 discovery documents in litigation pursuant to applicable rules of civil procedure.

7 (37) Except as authorized by ORS 408.425, records that certify or verify an individual’s discharge  
8 or other separation from military service.

9 (38) Records of or submitted to a domestic violence service or resource center that relate to the  
10 name or personal information of an individual who visits a center for service, including the date of  
11 service, the type of service received, referrals or contact information or personal information of a  
12 family member of the individual. As used in this subsection, “domestic violence service or resource  
13 center” means an entity, the primary purpose of which is to assist persons affected by domestic or  
14 sexual violence by providing referrals, resource information or other assistance specifically of ben-  
15 efit to domestic or sexual violence victims.

16 (39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-  
17 vided in ORS 431A.865 (3)(b), information disclosed by the authority under ORS 431A.865 and any  
18 information related to disclosures made by the authority under ORS 431A.865, including information  
19 identifying the recipient of the information.

20 (40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of the  
21 executive department, as defined in ORS 174.112, the legislative department, as defined in ORS  
22 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-  
23 ernment body, as defined in ORS 174.117.

24 (b) This subsection does not apply to electronic mail addresses assigned by a public body to  
25 public employees for use by the employees in the ordinary course of their employment.

26 (c) This subsection and ORS 244.040 do not prohibit the campaign office of the current  
27 officeholder or current candidates who have filed to run for that elective office from receiving upon  
28 request the electronic mail addresses used by the current officeholder’s legislative office for news-  
29 letter distribution, except that a campaign office that receives electronic mail addresses under this  
30 paragraph may not make a further disclosure of those electronic mail addresses to any other person.

31 (41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,  
32 personal electronic mail addresses, driver license numbers, emergency contact information, Social  
33 Security numbers, dates of birth and other telephone numbers of individuals currently or previously  
34 certified or licensed by the Department of Public Safety Standards and Training contained in the  
35 records maintained by the department.

36 (42) Personally identifiable information and contact information of veterans as defined in ORS  
37 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the  
38 United States, National Guard or other reserve component that was obtained by the Department of  
39 Veterans’ Affairs in the course of performing its duties and functions, including but not limited to  
40 names, residential and employment addresses, dates of birth, driver license numbers, telephone  
41 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-  
42 acter of discharge from military service, military rating or rank, that the person is a veteran or has  
43 provided military service, information relating to an application for or receipt of federal or state  
44 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-  
45 formation relating to a home loan or grant application, including but not limited to financial infor-

1 mation provided in connection with the application.

2 (43) Business, commercial, financial, operational and research data and information, including  
3 but not limited to pricing, intellectual property and customer records, furnished to, developed by or  
4 generated in connection with the ownership and operation of an unmanned aerial system test range,  
5 if disclosure of the information would cause a competitive disadvantage to the test range or its us-  
6 ers.

7 (44) Personally identifiable information about a child under the age of 16 years that is submitted  
8 to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag  
9 or permit under the wildlife laws.

10 (45) Proprietary information subject to a nondisclosure agreement that is provided to the Oregon  
11 Broadband Office pursuant to ORS 285A.176.

12 (46) With respect to records held by the State Treasurer relating to unclaimed properties under  
13 ORS 98.302 to 98.436:

14 (a) All materials or communications received during an examination under ORS 98.412 (2) and  
15 (3), except to the extent that the information in the materials or communications appears within a  
16 report under ORS 98.412 (4) or 98.352 and the information is not otherwise exempt under ORS 98.352  
17 (4).

18 (b) All materials or communications assembled or used by the state or its auditor during the  
19 preparation of a report under ORS 98.412 (4), including drafts, correspondence, working papers and  
20 other preparatory documents.

21 (c) Information obtained during an examination under ORS 98.412 (2) and (3) concerning an un-  
22 claimed property holder's potential liability in a state other than Oregon, even if that information  
23 is included in a report under ORS 98.412 (4) or 98.352.

24 (d) Information in or supporting claims to unclaimed property under ORS 98.392, except to the  
25 extent that the claimant consents to the information's disclosure.

26 (47) Any document, record or plan for protection relating to the existence, nature, location or  
27 function of cybersecurity devices, programs or systems designed to protect computer, information  
28 technology or communications systems against threat or attack, including but not limited to:

29 (a) Records pertaining to devices, programs or systems that depend for their effectiveness in  
30 whole or part upon a lack of public knowledge; and

31 (b) Contractual records or insurance records that set forth cybersecurity specifications, insur-  
32 ance application and coverage details.

33 **(48) Records submitted to the State Department of Agriculture pursuant to section 7 of**  
34 **this 2024 Act or rules adopted under section 6 of this 2024 Act.**

35  
36 **CAPTIONS**

37  
38 **SECTION 11. The unit captions used in this 2024 Act are provided only for the conven-**  
39 **ience of the reader and do not become part of the statutory law of this state or express any**  
40 **legislative intent in the enactment of this 2024 Act.**

41  
42 **EFFECTIVE DATE**

43  
44 **SECTION 12. This 2024 Act being necessary for the immediate preservation of the public**  
45 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**

1 **on its passage.**

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