

A-Engrossed House Bill 3638

Ordered by the House June 13
Including House Amendments dated June 13

Sponsored by Representative HELFRICH

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: Extends the time that a person can file a written grievance that a public body broke the rules for executive sessions. (Flesch Readability Score: 60.6).

Extends the time a person may file a written grievance that a governing body acted in violation of the rules and requirements for executive sessions.

A BILL FOR AN ACT

Relating to executive sessions; amending ORS 192.705.

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

SECTION 1. ORS 192.705 is amended to read:

192.705. (1) A person who believes that a governing body has acted in violation of ORS 192.610 to 192.705 may, within 30 days of the alleged violation, file a written grievance with the public body whose governing body is alleged to have violated ORS 192.610 to 192.705, setting forth the specific facts and circumstances that the person asserts amounted to a violation of ORS 192.610 to 192.705. The grievance must state the identity of the person filing the grievance and any other information required by the Oregon Government Ethics Commission by rule.

(2) Notwithstanding subsection (1) of this section, a person who believes that a governing body has acted in violation of a provision of ORS 192.640, 192.650, 192.660 or 192.670 that relates to the rules and requirements for executive sessions may, within 90 days of a record of the alleged violation becoming available to the public, file a written grievance with the public body whose governing body is alleged to have violated ORS 192.640, 192.650, 192.660 or 192.670, setting forth the specific facts and circumstances that the person asserts amounted to a violation of a provision of ORS 192.640, 192.650, 192.660 or 192.670 that relates to executive sessions. The grievance must state the identity of the person filing the grievance and any other information required by the Oregon Government Ethics Commission by rule.

~~[(2)]~~ (3) A public body receiving a written grievance filed under this section shall, within 21 days of the receipt of the grievance, provide a written response to the person:

(a) Acknowledging receipt of the grievance; and

(b)(A) Denying that the facts and circumstances as set forth in the grievance accurately reflect the conduct of the governing body and setting forth the facts and circumstances as determined by the public body and the reasons why those facts and circumstances do not amount to a violation of ORS 192.610 to 192.705;

(B) Admitting that the facts and circumstances as set forth in the grievance accurately reflect

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 the conduct of the governing body but denying that those facts and circumstances amount to a vi-
2 olation of ORS 192.610 to 192.705; or

3 (C) Admitting that the conduct of the governing body amounted to a violation of ORS 192.610
4 to 192.705 and setting forth the steps the governing body will take to cure the violation, including
5 but not limited to:

6 (i) Rescinding the decision taken by the governing body in violation of ORS 192.610 to 192.705;
7 or

8 (ii) Acknowledging in a properly noticed and conducted public meeting held within 45 days of
9 the governing body's original decision that:

10 (I) The original decision was made in violation of ORS 192.610 to 192.705;

11 (II) Good cause exists for the governing body to not rescind the decision; and

12 (III) The governing body's practices will be modified to ensure future violations of ORS 192.610
13 to 192.705 do not occur.

14 [(3)] (4) The public body shall send a copy of the written grievance and the public body's re-
15 sponse under this section to the Oregon Government Ethics Commission at the time the public body
16 responds to the person who filed the grievance.

17 (5) As used in this section, "record" means any information that is inscribed on a tangi-
18 ble medium or that is stored in an electronic or other medium and is retrievable in
19 perceivable form.