

# House Bill 3720

Sponsored by Representatives DIEHL, SKARLATOS, RESCHKE; Senators LINTHICUM, THATCHER

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

Digest: The Act makes laws that would create open meeting requirements for certain labor negotiations. The Act would take effect when the Governor signs it. (Flesch Readability Score: 64.2). Requires labor negotiations conducted by or on behalf of public bodies to be conducted in open meetings.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to open meetings on certain matters; 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, as amended by section 6, chapter 14, Oregon Laws 2024, is amended  
5 to read:

6 192.660. (1) ORS 192.610 to 192.705 do not prevent the governing body of a public body from  
7 holding executive session during a regular, special or emergency meeting, after the presiding officer  
8 has identified the authorization under ORS 192.610 to 192.705 for holding the executive session.

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

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

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

14 (c) To consider matters pertaining to the function of the medical staff of a public hospital li-  
15 censed pursuant to ORS 441.015 to 441.119 and 441.993 including, but not limited to, all clinical  
16 committees, executive, credentials, utilization review, peer review committees and all other matters  
17 relating to medical competency in the hospital.

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

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

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

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

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

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

29 (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding

**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 proposed acquisition, exchange or liquidation of public investments.

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

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

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

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

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

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

14 (C) Generation, storage or conveyance of:

15 (i) Electricity;

16 (ii) Gas in liquefied or gaseous form;

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

18 (iv) Petroleum products;

19 (v) Sewage; or

20 (vi) Water.

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

22 (E) Data transmissions by whatever means provided.

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

25 (p) To consider matters relating to cyber security infrastructure and responses to cyber security  
26 threats.

27 *[(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides re-*  
28 *quest that negotiations be conducted in executive session. Labor negotiations conducted in executive*  
29 *session are not subject to the notification requirements of ORS 192.640.]*

30 **(3)(a) Labor negotiations conducted by or on behalf of a public body shall be conducted**  
31 **in open meetings and shall be subject to the provisions of ORS 192.610 to 192.705, regardless**  
32 **of whether:**

33 **(A) The negotiations are conducted by members of the governing body or employees of**  
34 **the public body; and**

35 **(B) The negotiations involve deliberations or a decision for which a quorum of the gov-**  
36 **erning body is required.**

37 **(b) The members of the governing body shall be responsible for ensuring that any person**  
38 **conducting labor negotiations on behalf of the public body is in compliance with this sub-**  
39 **section.**

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

44 (5) When a governing body convenes an executive session under subsection (2)(h) of this section  
45 relating to conferring with counsel on current litigation or litigation likely to be filed, the governing

1 body shall bar any member of the news media from attending the executive session if the member  
2 of the news media is a party to the litigation or is an employee, agent or contractor of a news media  
3 organization that is a party to the litigation.

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

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

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

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

9 (c) The consideration of general employment policies.

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

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

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

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

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

19 (8) A governing body may not use an executive session for purposes of evaluating a chief exec-  
20 utive officer or other officer, employee or staff member to conduct a general evaluation of an agency  
21 goal, objective or operation or any directive to personnel concerning agency goals, objectives, op-  
22 erations or programs.

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

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

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

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

33 **SECTION 2. This 2025 Act being necessary for the immediate preservation of the public**  
34 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
35 **on its passage.**

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