

Enrolled
House Bill 2203

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Attorney General Hardy Myers for Department of Justice)

CHAPTER

AN ACT

Relating to mediation communications; amending ORS 36.224.

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

SECTION 1. ORS 36.224 is amended to read:

36.224. (1) Except as provided in this section, mediation communications in mediations in which a state agency is a party, or in which a state agency is mediating a dispute as to which the state agency has regulatory authority, are not confidential and may be disclosed or admitted as evidence in subsequent adjudicatory proceedings, as described in ORS 36.222 (7).

(2) The Attorney General shall develop rules that provide for the confidentiality of mediation communications in mediations described in subsection (1) of this section. The rules shall also provide for limitations on admissibility and disclosure in subsequent adjudicatory proceedings, as described in ORS 36.222 (7). The rules shall contain provisions governing mediations of workplace interpersonal disputes.

(3) Rules developed by the Attorney General under this section must include a provision for notice to the parties to a mediation regarding the extent to which the mediation communications are confidential or subject to disclosure or introduction as evidence in subsequent adjudicatory proceedings.

(4) [*Subject to the approval of the Governor,*] A state agency may adopt any or all of the rules developed by the Attorney General under this section. **The agency shall provide the Governor with a copy of the rules that the agency proposes to adopt at the time that the agency gives notice of intended action under ORS 183.335. The Governor may notify the agency that the Governor disapproves of the proposed rules at any time before the agency files the rules with the Secretary of State under ORS 183.355.**

(5) Except as provided in ORS 36.222, mediation communications in any mediation regarding a claim for workers' compensation benefits conducted pursuant to rules adopted by the Workers' Compensation Board are confidential, are not subject to disclosure under ORS 192.410 to 192.505 and may not be disclosed or admitted as evidence in subsequent adjudicatory proceedings, as described in ORS 36.222 (7), without regard to whether a state agency or other public body is a party to the mediation or is the mediator in the mediation.

(6) Mediation communications made confidential by a rule adopted by a state agency under this section are not subject to disclosure under ORS 192.410 to 192.505.

Passed by House May 17, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate June 9, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State