

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)

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**.

Allows state agency to adopt Attorney General's model rules on confidentiality of mediation communications without prior approval of Governor.

A BILL FOR AN ACT

1
2 Relating to mediation communications; amending ORS 36.224.

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

4 **SECTION 1.** ORS 36.224 is amended to read:

5 36.224. (1) Except as provided in this section, mediation communications in mediations in which
6 a state agency is a party, or in which a state agency is mediating a dispute as to which the state
7 agency has regulatory authority, are not confidential and may be disclosed or admitted as evidence
8 in subsequent adjudicatory proceedings, as described in ORS 36.222 (7).

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

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

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

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

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

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.

