

Senate Bill 310

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on General Government)

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**.

Requires approval of annual budget and certain contracts by board of directors of State Accident Insurance Fund Corporation. Requires board to establish guidelines for lobbying by State Accident Insurance Fund Corporation and to approve requests for legislation made by corporation. Subjects, with certain exceptions, records of corporation to public records laws and meetings of board to public meeting laws. Increases number of members of board of directors. Requires Governor to appoint board members in manner reflecting geographic diversity of state. Requires board to file annual budget of corporation with Legislative Assembly and Governor. Modifies mission of corporation.

A BILL FOR AN ACT

1
2 Relating to management of State Accident Insurance Fund Corporation; creating new provisions; and
3 amending ORS 192.502, 192.660, 656.702, 656.751, 656.752 and 656.754.

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

5 **SECTION 1. The board of directors of the State Accident Insurance Fund Corporation:**

6 **(1) Shall review and approve the annual budget of the corporation.**

7 **(2) Shall review and approve all contracts for:**

8 **(a) The provision of insurance to groups or trade associations; and**

9 **(b) Public relations or lobbying services.**

10 **(3) May not approve contracts with groups or trade associations that are not supported**
11 **by sound business and insurance principles.**

12 **(4) May establish criteria for contracts that include, but are not limited to, requiring**
13 **board approval of a contract. If the board does not establish criteria for approval of a con-**
14 **tract, the manager of the corporation may enter into contracts on behalf of the corporation.**

15 **(5) Shall establish guidelines consistent with ORS 171.725 to 171.785 for lobbying activities**
16 **by the corporation and for reporting expenses incurred by the corporation for lobbying ac-**
17 **tivities.**

18 **(6) Shall review and approve requests for legislation made by the corporation.**

19 **SECTION 2. ORS 656.702 is amended to read:**

20 656.702. (1)(a) The records of the State Accident Insurance Fund Corporation[, *excepting em-*
21 *ployer account records and claimant files, shall be open to public inspection*] **are subject to ORS**
22 **192.410 to 192.505.**

23 **(b) Notwithstanding ORS 192.502, the corporation shall make** the accident experience re-
24 cords of the corporation [*shall be*] available to a bona fide rating organization to assist in making
25 workers' compensation rates [*but any*]. Costs involved in making the records available shall be borne
26 by the rating organization. Accident experience records of carrier-insured employers shall also be
27 available on the same terms to assist in making such rates.

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 (2) Disclosure of workers' compensation claim records of the Department of Consumer and
2 Business Services is governed by ORS 192.502 (19).

3 **SECTION 3.** ORS 656.751 is amended to read:

4 656.751. (1) The State Accident Insurance Fund Corporation is created as an independent public
5 corporation. The corporation shall be governed by a board of [*five*] **seven** directors appointed by the
6 Governor. [*Two*] **Five** members shall be chosen to represent the public. Of the remaining [*three*] **two**
7 members, [*a*] **one** board member must be insured by the State Accident Insurance Fund Corporation
8 at the time of appointment and for one year prior to appointment, [*or*] **and one member must be**
9 an employee of such an employer. **The Governor shall appoint members to the board in a**
10 **manner that reflects the geographic diversity of this state.** Members of the board are subject
11 to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution.

12 (2) [*No*] **A** member of the board of directors [*shall*] **may not** have any pecuniary interest, other
13 than an incidental interest which is disclosed and made a matter of public record at the time of
14 appointment to the board, in any corporation or other business entity doing business in the workers'
15 compensation insurance industry.

16 (3) The term of office of a member is four years, but a member serves at the pleasure of the
17 Governor. Before the expiration of the term of a member, the Governor shall appoint a successor.
18 A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make
19 an appointment to become immediately effective for the unexpired term.

20 (4) A member of the board of directors is entitled to compensation and expenses as provided in
21 ORS 292.495.

22 (5) The board of directors shall select one of its members as chairperson and another as vice
23 chairperson, for such terms and with such duties and powers as the board of directors considers
24 necessary for performance of the functions of those offices. A majority of the members of the board
25 of directors constitutes a quorum for the transaction of business.

26 (6) The board of directors shall meet at least once every three months at a time and place de-
27 termined by the board of directors. The board of directors shall meet at such other times and places
28 specified by the call of the chairperson or of a majority of the members of the board of directors.

29 (7) It is the function of the board of directors to establish the policies for the operation of the
30 State Accident Insurance Fund Corporation, consistent with all applicable provisions of law.

31 (8) The board **of directors** shall file with the Legislative Assembly and the Governor, not later
32 than April 15 of each year[,]:

33 (a) A report covering the activities and operations of the State Accident Insurance Fund Cor-
34 poration for the preceding year; **and**

35 (b) **The annual budget of the State Accident Insurance Fund Corporation adopted for the**
36 **fiscal year in which the report required by paragraph (a) of this subsection is filed.**

37 (9) **Meetings of the board of directors shall be held in compliance with the requirements**
38 **of ORS 192.610 to 192.690.**

39 **SECTION 4.** ORS 656.752 is amended to read:

40 656.752. (1) The State Accident Insurance Fund Corporation is created for the purpose of
41 transacting workers' compensation insurance and reinsurance business. The State Accident Insur-
42 ance Fund Corporation also may insure an Oregon employer against any liability such employer may
43 have on account of bodily injury to a worker of the employer arising out of and in the course of
44 employment as fully as any private insurance carrier.

45 (2) The functions of the State Accident Insurance Fund Corporation shall be:

1 (a) To confer with and solicit employers and to determine, handle, audit and enforce collection
 2 of premiums, assessments and fees of insured employers insured with the State Accident Insurance
 3 Fund Corporation;

4 (b) To make insurance available to as many Oregon employers as inexpensively as may be con-
 5 sistent with the overall integrity of the Industrial Accident Fund, in accordance with ORS 656.634
 6 and sound principles of insurance;

7 (c) To receive and [*handle and process*] **promptly, fairly and ethically manage, in compliance**
 8 **with relevant statutes,** the claims of **injured** workers and **their** beneficiaries [*of workers injured*
 9 *in the employ of insured employers insured with the State Accident Insurance Fund Corporation*]; and

10 (d) To perform all other functions [*which*] **that** the laws of this state specifically authorize or
 11 [*which*] **that** are necessary or appropriate to carry out the functions expressly authorized.

12 (3) The State Accident Insurance Fund Corporation in its name may sue and be sued.

13 (4) The State Accident Insurance Fund Corporation may authorize self-insured employers or
 14 other insurers to use any physical rehabilitation center operated by the State Accident Insurance
 15 Fund Corporation on such terms as the State Accident Insurance Fund Corporation deems reason-
 16 able.

17 (5) The State Accident Insurance Fund Corporation in its own name, may acquire, lease, rent,
 18 own and manage real property. It may construct, equip and furnish buildings or other structures as
 19 are necessary to accommodate its needs. It may purchase, rent, lease or otherwise acquire for its
 20 use all supplies, materials, equipment and services necessary to carry out its functions. It may sell
 21 or otherwise dispose of any property acquired under this subsection.

22 (6) Any real property acquired and owned by the State Accident Insurance Fund Corporation
 23 under this section shall be subject to ad valorem taxation.

24 (7) The State Accident Insurance Fund Corporation may furnish advice, services and excess
 25 workers' compensation and employer liability insurance to any employer qualified as a self-insured
 26 employer under the provisions of ORS 656.407, on such terms and conditions as the State Accident
 27 Insurance Fund Corporation deems reasonable.

28 (8) With the approval of the Director of the Department of Consumer and Business Services, the
 29 State Accident Insurance Fund Corporation may provide reinsurance coverage to Oregon employers
 30 on such terms and conditions as the State Accident Insurance Fund Corporation deems reasonable.

31 **SECTION 5.** ORS 656.754 is amended to read:

32 656.754. (1) The State Accident Insurance Fund Corporation is under the direct supervision of
 33 a manager appointed by the board of directors of the State Accident Insurance Fund Corporation.
 34 The manager serves at the pleasure of the board of directors. The manager shall qualify in the
 35 manner provided for board members in ORS 656.716 except that no bond shall be required.

36 (2) The manager has such powers as are necessary to carry out the functions of the [*State Ac-*
 37 *cident Insurance Fund*] corporation, subject to policy direction by the board of directors.

38 (3) The manager may employ, terminate and supervise the employment of such assistants, ex-
 39 perts, field personnel and clerks as may be required in the administration of the [*State Accident In-*
 40 *surance Fund*] corporation.

41 **(4) If requested to do so by the Joint Legislative Committee on Ways and Means or the**
 42 **Emergency Board, the manager shall appear to present information about the adopted an-**
 43 **ual budget of the corporation.**

44 **SECTION 6.** ORS 192.502 is amended to read:

45 192.502. The following public records are exempt from disclosure under ORS 192.410 to 192.505:

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

6 (2) Information of a personal nature such as but not limited to that kept in a personal, medical
7 or similar file, if public disclosure would constitute an unreasonable invasion of privacy, unless the
8 public interest by clear and convincing evidence requires disclosure in the particular instance. The
9 party seeking disclosure shall have the burden of showing that public disclosure would not consti-
10 tute an unreasonable invasion of privacy.

11 (3) Public body employee or volunteer addresses, Social Security numbers, dates of birth and
12 telephone numbers contained in personnel records maintained by the public body that is the em-
13 ployer or the recipient of volunteer services. This exemption:

14 (a) Does not apply to the addresses, dates of birth and telephone numbers of employees or vol-
15 unteers who are elected officials, except that a judge or district attorney subject to election may
16 seek to exempt the judge's or district attorney's address or telephone number, or both, under the
17 terms of ORS 192.445;

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

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

23 (d) Does not relieve a public employer of any duty under ORS 243.650 to 243.782.

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

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

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

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

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

41 (9) Public records or information the disclosure of which is prohibited or restricted or otherwise
42 made confidential or privileged under Oregon law.

43 (10) Public records or information described in this section, furnished by the public body ori-
44 ginally compiling, preparing or receiving them to any other public officer or public body in con-
45 nection with performance of the duties of the recipient, if the considerations originally giving rise

1 to the confidential or exempt nature of the public records or information remain applicable.

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

4 (12) Employee and retiree address, telephone number and other nonfinancial membership records
5 and employee financial records maintained by the Public Employees Retirement System pursuant to
6 ORS chapters 238 and 238A.

7 (13) Records submitted by private persons or businesses to the State Treasurer or the Oregon
8 Investment Council relating to proposed acquisition, exchange or liquidation of public investments
9 under ORS chapter 293 may be treated as exempt from disclosure when and only to the extent that
10 disclosure of such records reasonably may be expected to substantially limit the ability of the
11 Oregon Investment Council to effectively compete or negotiate for, solicit or conclude such trans-
12 actions. Records which relate to concluded transactions are not subject to this exemption.

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

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

18 (16) The following records, communications and information submitted to the Oregon Economic
19 and Community Development Commission, the Economic and Community Development Department,
20 the State Department of Agriculture, the Oregon Growth Account Board, the Port of Portland or
21 other ports, as defined in ORS 777.005, by applicants for investment funds, loans or services includ-
22 ing, but not limited to, those described in ORS 285A.224:

23 (a) Personal financial statements.

24 (b) Financial statements of applicants.

25 (c) Customer lists.

26 (d) Information of an applicant pertaining to litigation to which the applicant is a party if the
27 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
28 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
29 concluded, and nothing in this paragraph shall limit any right or opportunity granted by discovery
30 or deposition statutes to a party to litigation or potential litigation.

31 (e) Production, sales and cost data.

32 (f) Marketing strategy information that relates to applicant's plan to address specific markets
33 and applicant's strategy regarding specific competitors.

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

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

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

- 1 (c) The actual, or estimated, amount of the delinquency.
- 2 (18) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
3 pointed counsel, and all information supplied to the court from whatever source for the purpose of
4 verifying the financial eligibility of a person pursuant to ORS 151.485.
- 5 (19) Workers' compensation claim records of the Department of Consumer and Business Services,
6 except in accordance with rules adopted by the Director of the Department of Consumer and Busi-
7 ness Services, in any of the following circumstances:
- 8 (a) When necessary for insurers, self-insured employers and third party claim administrators to
9 process workers' compensation claims.
- 10 (b) When necessary for the director, other governmental agencies of this state or the United
11 States to carry out their duties, functions or powers.
- 12 (c) When the disclosure is made in such a manner that the disclosed information cannot be used
13 to identify any worker who is the subject of a claim.
- 14 (d) When a worker or the worker's representative requests review of the worker's claim record.
- 15 (20) Sensitive business records or financial or commercial information of the Oregon Health and
16 Science University that is not customarily provided to business competitors.
- 17 (21) Records of Oregon Health and Science University regarding candidates for the position of
18 president of the university.
- 19 (22) The records of a library, including circulation records, showing use of specific library ma-
20 terial by a named person or consisting of the name of a library patron together with the address
21 or telephone number, or both, of the patron.
- 22 (23) The following records, communications and information obtained by the Housing and Com-
23 munity Services Department in connection with the department's monitoring or administration of
24 financial assistance or of housing or other developments:
- 25 (a) Personal and corporate financial statements and information, including tax returns.
- 26 (b) Credit reports.
- 27 (c) Project appraisals.
- 28 (d) Market studies and analyses.
- 29 (e) Articles of incorporation, partnership agreements and operating agreements.
- 30 (f) Commitment letters.
- 31 (g) Project pro forma statements.
- 32 (h) Project cost certifications and cost data.
- 33 (i) Audits.
- 34 (j) Project tenant correspondence.
- 35 (k) Personal information about a tenant.
- 36 (L) Housing assistance payments.
- 37 (24) Raster geographic information system (GIS) digital databases, provided by private forestland
38 owners or their representatives, voluntarily and in confidence to the State Forestry Department,
39 that is not otherwise required by law to be submitted.
- 40 (25) Sensitive business, commercial or financial information furnished to or developed by a
41 public body engaged in the business of providing electricity or electricity services, if the information
42 is directly related to a transaction described in ORS 261.348, or if the information is directly related
43 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
44 disclosure of the information would cause a competitive disadvantage for the public body or its re-
45 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-

1 velopment or review of generally applicable rate schedules.

2 (26) Sensitive business, commercial or financial information furnished to or developed by the
 3 City of Klamath Falls, acting solely in connection with the ownership and operation of the Klamath
 4 Cogeneration Project, if the information is directly related to a transaction described in ORS 225.085
 5 and disclosure of the information would cause a competitive disadvantage for the Klamath
 6 Cogeneration Project. This subsection does not apply to cost-of-service studies used in the develop-
 7 ment or review of generally applicable rate schedules.

8 (27) Personally identifiable information about customers of a municipal electric utility or a
 9 people’s utility district. The utility or district may, however, release such information to a third
 10 party if the customer consents in writing or electronically, if the disclosure is necessary to render
 11 utility or district services to the customer, or if the disclosure is required pursuant to a court order.
 12 The utility or district may charge as appropriate for the costs of providing such information. The
 13 utility or district may make customer records available to third party credit agencies on a regular
 14 basis in connection with the establishment and management of customer accounts or in the event
 15 such accounts are delinquent.

16 (28) A record of the street and number of an employee’s address submitted to a special district
 17 to obtain assistance in promoting an alternative to single occupant motor vehicle transportation.

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

20 (30) Documents, materials or other information submitted to the Director of the Department of
 21 Consumer and Business Services in confidence by a state, federal, foreign or international regulatory
 22 or law enforcement agency or by the National Association of Insurance Commissioners, its affiliates
 23 or subsidiaries under ORS 646.380 to 646.396, 697.005 to 697.095, 697.602 to 697.842, 705.137, 717.200
 24 to 717.320, 717.900 or 717.905, ORS chapter 59, 722, 723, 725 or 726, the Bank Act or the Insurance
 25 Code when:

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

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

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

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

33 (a) Generation, storage or conveyance of:

34 (A) Electricity;

35 (B) Gas in liquefied or gaseous form;

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

37 (D) Petroleum products;

38 (E) Sewage; or

39 (F) Water.

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

41 (c) Data transmissions by whatever means provided.

42 **(33) Employer account records and claimant files of the State Accident Insurance Fund**
 43 **Corporation.**

44 **SECTION 7.** ORS 192.660 is amended to read:

45 192.660. (1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from

1 holding executive session during a regular, special or emergency meeting, after the presiding officer
2 has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

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

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

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

8 (c) To consider matters pertaining to the function of the medical staff of a public hospital li-
9 censed pursuant to ORS 441.015 to 441.063, 441.085, 441.087 and 441.990 (3) including, but not limited
10 to, all clinical committees, executive, credentials, utilization review, peer review committees and all
11 other matters relating to medical competency in the hospital.

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

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

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

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

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

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

23 (j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding
24 proposed acquisition, exchange or liquidation of public investments.

25 (k) **[By] If the governing body is** a health professional regulatory board, to consider informa-
26 tion obtained as part of an investigation of licensee or applicant conduct.

27 (L) **[By] If the governing body is** the State Landscape Architect Board, or an advisory com-
28 mittee to the board, to consider information obtained as part of an investigation of registrant or
29 applicant conduct.

30 (m) To discuss information about review or approval of programs relating to the security of any
31 of the following:

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

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

35 (C) Generation, storage or conveyance of:

36 (i) Electricity;

37 (ii) Gas in liquefied or gaseous form;

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

39 (iv) Petroleum products;

40 (v) Sewage; or

41 (vi) Water.

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

43 (E) Data transmissions by whatever means provided.

44 **(n) If the governing body is the board of directors of the State Accident Insurance Fund**
45 **Corporation, to consider sensitive matters concerning proprietary interests not customarily**

1 **provided to competitors of the corporation.**

2 (3) Labor negotiations shall be conducted in open meetings unless both sides of the negotiators
 3 request that negotiations be conducted in executive session. Labor negotiations conducted in execu-
 4 tive session are not subject to the notification requirements of ORS 192.640.

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

9 (5) When a governing body convenes an executive session under subsection (2)(h) of this section
 10 relating to conferring with counsel on current litigation or litigation likely to be filed, the governing
 11 body shall bar any member of the news media from attending the executive session if the member
 12 of the news media is a party to the litigation or is an employee, agent or contractor of a news media
 13 organization that is a party to the litigation.

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

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

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

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

19 (c) The consideration of general employment policies.

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

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

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

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

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

29 (8) A governing body may not use an executive session for purposes of evaluating a chief execu-
 30 tive officer or other officer, employee or staff member to conduct a general evaluation of an agency
 31 goal, objective or operation or any directive to personnel concerning agency goals, objectives, op-
 32 erations or programs.

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

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

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

40 **SECTION 8. Notwithstanding the term of office specified in ORS 656.751, of the two**
 41 **members added to the board of directors of the State Accident Insurance Fund Corporation**
 42 **by the amendments to ORS 656.751 by section 3 of this 2005 Act:**

43 (1) **One shall serve a term ending December 31, 2007.**

44 (2) **One shall serve a term ending December 31, 2008.**