

HOUSE MINORITY REPORT AMENDMENTS TO HOUSE BILL 4059

By Nonconcurring Members of COMMITTEE ON AGRICULTURE, LAND USE,
NATURAL RESOURCES, AND WATER

February 19

1 In line 2 of the printed bill, after “District” insert “; creating new provisions; amending ORS
2 192.355; repealing sections 1, 2, 3 and 4, chapter 370, Oregon Laws 2023; and declaring an
3 emergency”.

4 Delete lines 4 through 8 and insert:
5

“BRASSICA PRODUCTION THROUGH MARCH 31, 2025 6 7

8 “SECTION 1. Sections 1, 2, 3 and 4, chapter 370, Oregon Laws 2023, are repealed.

9 “SECTION 2. (1) As used in this section:

10 “(a) ‘Canola’ means plants of the species *Brassica napus* and *Brassica rapa*.

11 “(b) ‘Willamette Valley Protected District’ means the area encompassed within a rec-
12 tangle formed by the point in Tillamook County that is the northwest corner of township 1
13 north, range 6 west, the point in Multnomah County that is the most northeastern point of
14 township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast
15 corner of township 19 south, range 2 east and the point in Lane County that is the southwest
16 corner of township 19 south, range 6 west.

17 “(2) A person growing canola within the Willamette Valley Protected District must re-
18 ceive prior approval by license from the State Department of Agriculture.

19 “(3) The department may:

20 “(a) Authorize a person to grow canola within the Willamette Valley Protected District
21 only in a manner that maintains a distance of three miles between the edges of fields in
22 which canola is grown.

23 “(b) Authorize not more than 2,500 acres of canola production within the Willamette
24 Valley Protected District.

25 “(c) Assess a civil penalty, not to exceed \$25,000, against a person that violates subsection
26 (2) of this section or the terms of a license issued under this section.

27 “SECTION 3. Section 2 of this 2024 Act is repealed on March 31, 2025.
28

“BRASSICA PRODUCTION AFTER MARCH 31, 2025 29 30

31 “SECTION 4. (1) Sections 5 to 8 of this 2024 Act and the amendments to ORS 192.355 by
32 section 10 of this 2024 Act become operative on April 1, 2025.

33 “(2) The State Department of Agriculture may take any actions necessary before the
34 operative date specified in subsection (1) of this section to exercise, on and after the opera-

1 tive date specified in subsection (1) of this section, all of the duties, functions and powers
2 conferred on the department under sections 5 to 8 of this 2024 Act and the amendments to
3 ORS 192.355 by section 10 of this 2024 Act.

4 **“SECTION 5.** As used in sections 5 to 8 of this 2024 Act:

5 **“(1) ‘Brassica seed crop’** means a seed crop of *Brassica carinata*, *Brassica napus*,
6 *Brassica juncea*, *Brassica oleracea*, *Brassica rapa* or *Brassica nigra*.

7 **“(2) ‘Brassica seed producer’** means a person, or a representative of a person, who grows
8 a brassica seed crop within the Willamette Valley Protected District.

9 **“(3) ‘Isolation distance’** means three miles between the edges of fields in which brassica
10 seed crops are grown.

11 **“(4) ‘Isolation distance exception agreement’** means a written and signed agreement be-
12 tween brassica seed producers to plant brassica seed crops in fields that are closer together
13 than the isolation distance, in which the brassica seed producers agree to accept the risk of
14 not maintaining the isolation distance.

15 **“(5) ‘Willamette Valley Protected District’** means the area encompassed within a rec-
16 tangle formed by the point in Tillamook County that is the northwest corner of township 1
17 north, range 6 west, the point in Multnomah County that is the most northeastern point of
18 township 1 north, range 2 east within Oregon, the point in Lane County that is the southeast
19 corner of township 19 south, range 2 east and the point in Lane County that is the southwest
20 corner of township 19 south, range 6 west.

21 **“SECTION 6.** (1) The State Department of Agriculture may establish by rule a system for
22 registering brassica seed crop.

23 **“(2)** The system for registering brassica seed crop:

24 **“(a)** May require a brassica seed producer who registers brassica seed crop to provide
25 records of:

26 **“(A)** The stock of the brassica seed crop; and

27 **“(B)** Compliance with section 7 of this 2024 Act.

28 **“(b)** May establish relevant deadlines.

29 **“(3)** The department may contract for services to facilitate compliance with rules adopted
30 under this section and with section 7 of this 2024 Act, including for developing and main-
31 taining a field identification mapping service or a pinning map.

32 **“(4)** Under ORS 192.355, records submitted to the department pursuant to section 7 of
33 this 2024 Act or rules adopted under this section are exempt from disclosure as public re-
34 cords.

35 **“(5)** Notwithstanding subsection (4) of this section, the department may disclose records
36 described in subsection (4) of this section in an aggregated manner that protects unique
37 identifying information.

38 **“(6)** The department shall deposit all moneys received under sections 5 to 8 of this 2024
39 Act, including moneys received as fees or as civil penalties, in the Department of Agriculture
40 Service Fund established by ORS 561.144.

41 **“SECTION 7.** (1) A brassica seed producer:

42 **“(a)** Shall register with the State Department of Agriculture before growing a brassica
43 seed crop in the Willamette Valley Protected District.

44 **“(b)** Shall comply with all applicable laws and rules.

45 **“(c)** Shall maintain isolation distances between fields in the Willamette Valley Protected

1 **District in which brassica seed crop are grown, unless the brassica seed producer:**

2 **“(A) Owns or manages both fields; or**

3 **“(B) Enters into an isolation distance exception agreement for the fields.**

4 **“(d) May not grow a brassica seed crop in the Willamette Valley Protected District in a**
5 **manner that does not maintain an isolation distance, unless the brassica seed producer has**
6 **entered into an applicable isolation distance exception agreement.**

7 **“(e) Shall keep records that demonstrate compliance with this section, and with rules**
8 **adopted pursuant to section 6 of this 2024 Act, on and after the effective date of this 2024**
9 **Act.**

10 **“(2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected**
11 **District due to isolation distances and the brassica seed producers that own or manage the**
12 **fields have both made good faith efforts to agree on an isolation distance exception agree-**
13 **ment but have not reached an agreement, in accordance with any applicable deadline estab-**
14 **lished by the department, the brassica seed producers:**

15 **“(a) May ask the department to determine, using a neutral method based on chance,**
16 **which one of the brassica seed producers may grow brassica seed crops in the brassica seed**
17 **producer’s field during the applicable calendar year.**

18 **“(b) Shall pay any applicable fee related to the department’s determination.**

19 **“(3) Notwithstanding subsection (2)(a) of this section, the department may not allow a**
20 **brassica seed producer described in subsection (2) of this section who has not made good**
21 **faith efforts to agree on an isolation distance exception agreement to grow a brassica seed**
22 **crop in the relevant field.**

23 **“SECTION 8. If a person violates section 7 of this 2024 Act, or a rule adopted under**
24 **section 6 of this 2024 Act, the State Department of Agriculture may:**

25 **“(1) If the violation was not grossly negligent, assess a civil penalty, not to exceed**
26 **\$25,000, against the person and prohibit the person from growing brassica seed crop in the**
27 **Willamette Valley Protected District for a period of up to three years.**

28 **“(2) If the violation was grossly negligent, assess a civil penalty, not to exceed \$50,000,**
29 **against the person and prohibit the person from growing brassica seed crop in the**
30 **Willamette Valley Protected District for a period of up to five years.**

31 **“SECTION 9. Section 7 of this 2024 Act is amended to read:**

32 **“Sec. 7. (1) A brassica seed producer:**

33 **“(a) Shall register with the State Department of Agriculture before growing a brassica seed crop**
34 **in the Willamette Valley Protected District.**

35 **“(b) Shall comply with all applicable laws and rules.**

36 **“(c) Shall maintain isolation distances between fields in the Willamette Valley Protected District**
37 **in which brassica seed crop are grown, unless the brassica seed producer:**

38 **“(A) Owns or manages both fields; or**

39 **“(B) Enters into an isolation distance exception agreement for the fields.**

40 **“(d) May not grow a brassica seed crop in the Willamette Valley Protected District in a manner**
41 **that does not maintain an isolation distance, unless the brassica seed producer has entered into an**
42 **applicable isolation distance exception agreement.**

43 **“(e) Shall keep records that demonstrate compliance with this section, and with rules adopted**
44 **pursuant to section 6 of this 2024 Act, [on and after the effective date of this 2024 Act] for the pre-**
45 **vious three calendar years.**

1 “(2) If brassica seed crop may not be grown in fields in the Willamette Valley Protected District
2 due to isolation distances and the brassica seed producers that own or manage the fields have both
3 made good faith efforts to agree on an isolation distance exception agreement but have not reached
4 an agreement, in accordance with any applicable deadline established by the department, the
5 brassica seed producers:

6 “(a) May ask the department to determine, using a neutral method based on chance, which one
7 of the brassica seed producers may grow brassica seed crops in the brassica seed producer’s field
8 during the applicable calendar year.

9 “(b) Shall pay any applicable fee related to the department’s determination.

10 “(3) Notwithstanding subsection (2)(a) of this section, the department may not allow a brassica
11 seed producer described in subsection (2) of this section who has not made good faith efforts to
12 agree on an isolation distance exception agreement to grow a brassica seed crop in the relevant
13 field.

14 **“SECTION 9a. The amendments to section 7 of this 2024 Act by section 9 of this 2024 Act
15 become operative on April 1, 2028.**

16 **“SECTION 10.** ORS 192.355 is amended to read:

17 “192.355. The following public records are exempt from disclosure under ORS 192.311 to 192.478:

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

23 “(2)(a) Information of a personal nature such as but not limited to that kept in a personal,
24 medical or similar file, if public disclosure would constitute an unreasonable invasion of privacy,
25 unless the public interest by clear and convincing evidence requires disclosure in the particular in-
26 stance. The party seeking disclosure shall have the burden of showing that public disclosure would
27 not constitute an unreasonable invasion of privacy.

28 “(b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency
29 investigation, if public disclosure would create an unreasonable invasion of privacy of the family of
30 the deceased person, unless the public interest by clear and convincing evidence requires disclosure
31 in the particular instance. The party seeking disclosure shall have the burden of showing that public
32 disclosure would not constitute an unreasonable invasion of privacy.

33 “(3) Upon compliance with ORS 192.363, public body employee or volunteer residential ad-
34 dresses, residential telephone numbers, personal cellular telephone numbers, personal electronic
35 mail addresses, driver license numbers, employer-issued identification card numbers, emergency
36 contact information, Social Security numbers, dates of birth and other telephone numbers contained
37 in personnel records maintained by the public body that is the employer or the recipient of volunteer
38 services. This exemption:

39 “(a) Does not apply to the addresses, dates of birth and telephone numbers of employees or
40 volunteers who are elected officials, except that a judge or district attorney subject to election may
41 seek to exempt the judge’s or district attorney’s address or telephone number, or both, under the
42 terms of ORS 192.368;

43 “(b) Does not apply to employees or volunteers to the extent that the party seeking disclosure
44 shows by clear and convincing evidence that the public interest requires disclosure in a particular
45 instance pursuant to ORS 192.363;

1 “(c) Does not apply to a substitute teacher as defined in ORS 342.815 when requested by a
2 professional education association of which the substitute teacher may be a member; and

3 “(d) Does not relieve a public employer of any duty under ORS 243.650 to 243.809.

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

8 “(5) Information or records of the Department of Corrections, including the State Board of
9 Parole and Post-Prison Supervision, to the extent that disclosure would interfere with the rehabili-
10 tation of a person in custody of the department or substantially prejudice or prevent the carrying
11 out of the functions of the department, if the public interest in confidentiality clearly outweighs the
12 public interest in disclosure.

13 “(6) Records, reports and other information received or compiled by the Director of the De-
14 partment of Consumer and Business Services in the administration of ORS chapters 723 and 725 not
15 otherwise required by law to be made public, to the extent that the interests of lending institutions,
16 their officers, employees and customers in preserving the confidentiality of such information out-
17 weighs the public interest in disclosure.

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

19 “(8) Any public records or information the disclosure of which is prohibited by federal law or
20 regulations.

21 “(9)(a) Public records or information the disclosure of which is prohibited or restricted or oth-
22 erwise made confidential or privileged under Oregon law.

23 “(b) Subject to ORS 192.360, paragraph (a) of this subsection does not apply to factual informa-
24 tion compiled in a public record when:

25 “(A) The basis for the claim of exemption is ORS 40.225;

26 “(B) The factual information is not prohibited from disclosure under any applicable state or
27 federal law, regulation or court order and is not otherwise exempt from disclosure under ORS
28 192.311 to 192.478;

29 “(C) The factual information was compiled by or at the direction of an attorney as part of an
30 investigation on behalf of the public body in response to information of possible wrongdoing by the
31 public body;

32 “(D) The factual information was not compiled in preparation for litigation, arbitration or an
33 administrative proceeding that was reasonably likely to be initiated or that has been initiated by
34 or against the public body; and

35 “(E) The holder of the privilege under ORS 40.225 has made or authorized a public statement
36 characterizing or partially disclosing the factual information compiled by or at the attorney’s di-
37 rection.

38 “(10) Public records or information described in this section, furnished by the public body ori-
39 ginally compiling, preparing or receiving them to any other public officer or public body in con-
40 nection with performance of the duties of the recipient, if the considerations originally giving rise
41 to the confidential or exempt nature of the public records or information remain applicable.

42 “(11) Records of the Energy Facility Siting Council concerning the review or approval of secu-
43 rity programs pursuant to ORS 469.530.

44 “(12) Employee and retiree address, telephone number and other nonfinancial membership re-
45 cords and employee financial records maintained by the Public Employees Retirement System pur-

1 suant to ORS chapters 238 and 238A or by another retirement system operated by a public body.

2 “(13) Records of or submitted to the State Treasurer, the Oregon Investment Council or the
3 agents of the treasurer or the council relating to active or proposed publicly traded investments
4 under ORS chapter 293, including but not limited to records regarding the acquisition, exchange or
5 liquidation of the investments. For the purposes of this subsection:

6 “(a) The exemption does not apply to:

7 “(A) Information in investment records solely related to the amount paid directly into an in-
8 vestment by, or returned from the investment directly to, the treasurer or council; or

9 “(B) The identity of the entity to which the amount was paid directly or from which the amount
10 was received directly.

11 “(b) An investment in a publicly traded investment is no longer active when acquisition, ex-
12 change or liquidation of the investment has been concluded.

13 “(14)(a) Records of or submitted to the State Treasurer, the Oregon Investment Council, the
14 Oregon Growth Board or the agents of the treasurer, council or board relating to actual or proposed
15 investments under ORS chapter 293 or 348 in a privately placed investment fund or a private asset
16 including but not limited to records regarding the solicitation, acquisition, deployment, exchange or
17 liquidation of the investments including but not limited to:

18 “(A) Due diligence materials that are proprietary to an investment fund, to an asset ownership
19 or to their respective investment vehicles.

20 “(B) Financial statements of an investment fund, an asset ownership or their respective invest-
21 ment vehicles.

22 “(C) Meeting materials of an investment fund, an asset ownership or their respective investment
23 vehicles.

24 “(D) Records containing information regarding the portfolio positions in which an investment
25 fund, an asset ownership or their respective investment vehicles invest.

26 “(E) Capital call and distribution notices of an investment fund, an asset ownership or their
27 respective investment vehicles.

28 “(F) Investment agreements and related documents.

29 “(b) The exemption under this subsection does not apply to:

30 “(A) The name, address and vintage year of each privately placed investment fund.

31 “(B) The dollar amount of the commitment made to each privately placed investment fund since
32 inception of the fund.

33 “(C) The dollar amount of cash contributions made to each privately placed investment fund
34 since inception of the fund.

35 “(D) The dollar amount, on a fiscal year-end basis, of cash distributions received by the State
36 Treasurer, the Oregon Investment Council, the Oregon Growth Board or the agents of the treasurer,
37 council or board from each privately placed investment fund.

38 “(E) The dollar amount, on a fiscal year-end basis, of the remaining value of assets in a privately
39 placed investment fund attributable to an investment by the State Treasurer, the Oregon Investment
40 Council, the Oregon Growth Board or the agents of the treasurer, council or board.

41 “(F) The net internal rate of return of each privately placed investment fund since inception of
42 the fund.

43 “(G) The investment multiple of each privately placed investment fund since inception of the
44 fund.

45 “(H) The dollar amount of the total management fees and costs paid on an annual fiscal year-end

1 basis to each privately placed investment fund.

2 “(I) The dollar amount of cash profit received from each privately placed investment fund on a
3 fiscal year-end basis.

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

7 “(16) Reports of unclaimed property filed by the holders of such property to the extent permitted
8 by ORS 98.352.

9 “(17)(a) The following records, communications and information submitted to the Oregon Busi-
10 ness Development Commission, the Oregon Business Development Department, the State Department
11 of Agriculture, the Oregon Growth Board, the Port of Portland or other ports as defined in ORS
12 777.005, or a county or city governing body and any board, department, commission, council or
13 agency thereof, by applicants for investment funds, grants, loans, services or economic development
14 moneys, support or assistance including, but not limited to, those described in ORS 285A.224:

15 “(A) Personal financial statements.

16 “(B) Financial statements of applicants.

17 “(C) Customer lists.

18 “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the
19 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
20 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
21 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
22 ery or deposition statutes to a party to litigation or potential litigation.

23 “(E) Production, sales and cost data.

24 “(F) Marketing strategy information that relates to applicant’s plan to address specific markets
25 and applicant’s strategy regarding specific competitors.

26 “(b) The following records, communications and information submitted to the State Department
27 of Energy by applicants for tax credits or for grants awarded under ORS 469B.256:

28 “(A) Personal financial statements.

29 “(B) Financial statements of applicants.

30 “(C) Customer lists.

31 “(D) Information of an applicant pertaining to litigation to which the applicant is a party if the
32 complaint has been filed, or if the complaint has not been filed, if the applicant shows that such
33 litigation is reasonably likely to occur; this exemption does not apply to litigation which has been
34 concluded, and nothing in this subparagraph shall limit any right or opportunity granted by discov-
35 ery or deposition statutes to a party to litigation or potential litigation.

36 “(E) Production, sales and cost data.

37 “(F) Marketing strategy information that relates to applicant’s plan to address specific markets
38 and applicant’s strategy regarding specific competitors.

39 “(18) Records, reports or returns submitted by private concerns or enterprises required by law
40 to be submitted to or inspected by a governmental body to allow it to determine the amount of any
41 transient lodging tax payable and the amounts of such tax payable or paid, to the extent that such
42 information is in a form which would permit identification of the individual concern or enterprise.
43 Nothing in this subsection shall limit the use which can be made of such information for regulatory
44 purposes or its admissibility in any enforcement proceedings. The public body shall notify the tax-
45 payer of the delinquency immediately by certified mail. However, in the event that the payment or

1 delivery of transient lodging taxes otherwise due to a public body is delinquent by over 60 days, the
2 public body shall disclose, upon the request of any person, the following information:

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

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

6 “(c) The actual, or estimated, amount of the delinquency.

7 “(19) All information supplied by a person under ORS 151.485 for the purpose of requesting ap-
8 pointed counsel, and all information supplied to the court from whatever source for the purpose of
9 verifying the financial eligibility of a person pursuant to ORS 151.485.

10 “(20) Workers’ compensation claim records of the Department of Consumer and Business Ser-
11 vices, except in accordance with rules adopted by the Director of the Department of Consumer and
12 Business Services, in any of the following circumstances:

13 “(a) When necessary for insurers, self-insured employers and third party claim administrators to
14 process workers’ compensation claims.

15 “(b) When necessary for the director, other governmental agencies of this state or the United
16 States to carry out their duties, functions or powers.

17 “(c) When the disclosure is made in such a manner that the disclosed information cannot be used
18 to identify any worker who is the subject of a claim.

19 “(d) When a worker or the worker’s representative requests review of the worker’s claim record.

20 “(21) Sensitive business records or financial or commercial information of the Oregon Health
21 and Science University that is not customarily provided to business competitors.

22 “(22) Records of Oregon Health and Science University regarding candidates for the position of
23 president of the university.

24 “(23) The records of a library, including:

25 “(a) Circulation records, showing use of specific library material by a named person;

26 “(b) The name of a library patron together with the address or telephone number of the patron;
27 and

28 “(c) The electronic mail address of a patron.

29 “(24) The following records, communications and information obtained by the Housing and
30 Community Services Department in connection with the department’s monitoring or administration
31 of financial assistance or of housing or other developments:

32 “(a) Personal and corporate financial statements and information, including tax returns.

33 “(b) Credit reports.

34 “(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an
35 interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed
36 of as part of the project, but only after the transactions have closed and are concluded.

37 “(d) Market studies and analyses.

38 “(e) Articles of incorporation, partnership agreements and operating agreements.

39 “(f) Commitment letters.

40 “(g) Project pro forma statements.

41 “(h) Project cost certifications and cost data.

42 “(i) Audits.

43 “(j) Project tenant correspondence.

44 “(k) Personal information about a tenant.

45 “(L) Housing assistance payments.

1 “(25) Raster geographic information system (GIS) digital databases, provided by private
2 forestland owners or their representatives, voluntarily and in confidence to the State Forestry De-
3 partment, that is not otherwise required by law to be submitted.

4 “(26) Sensitive business, commercial or financial information furnished to or developed by a
5 public body engaged in the business of providing electricity or electricity services, if the information
6 is directly related to a transaction described in ORS 261.348, or if the information is directly related
7 to a bid, proposal or negotiations for the sale or purchase of electricity or electricity services, and
8 disclosure of the information would cause a competitive disadvantage for the public body or its re-
9 tail electricity customers. This subsection does not apply to cost-of-service studies used in the de-
10 velopment or review of generally applicable rate schedules.

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

17 “(28) Personally identifiable information about customers of a municipal electric utility or a
18 people’s utility district or the names, dates of birth, driver license numbers, telephone numbers,
19 electronic mail addresses or Social Security numbers of customers who receive water, sewer or
20 storm drain services from a public body as defined in ORS 174.109. The utility or district may re-
21 lease personally identifiable information about a customer, and a public body providing water, sewer
22 or storm drain services may release the name, date of birth, driver license number, telephone num-
23 ber, electronic mail address or Social Security number of a customer, if the customer consents in
24 writing or electronically, if the disclosure is necessary for the utility, district or other public body
25 to render services to the customer, if the disclosure is required pursuant to a court order or if the
26 disclosure is otherwise required by federal or state law. The utility, district or other public body
27 may charge as appropriate for the costs of providing such information. The utility, district or other
28 public body may make customer records available to third party credit agencies on a regular basis
29 in connection with the establishment and management of customer accounts or in the event such
30 accounts are delinquent.

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

33 “(30) Sensitive business records, capital development plans or financial or commercial informa-
34 tion of Oregon Corrections Enterprises that is not customarily provided to business competitors.

35 “(31) Documents, materials or other information submitted to the Director of the Department
36 of Consumer and Business Services in confidence by a state, federal, foreign or international regu-
37 latory or law enforcement agency or by the National Association of Insurance Commissioners, its
38 affiliates or subsidiaries under ORS 86A.095 to 86A.198, 697.005 to 697.095, 697.602 to 697.842,
39 705.137, 717.200 to 717.320, 717.900 or 717.905, ORS chapter 59, 723, 725 or 726, the Bank Act or the
40 Insurance Code when:

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

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

1 “(32) A county elections security plan developed and filed under ORS 254.074.
2 “(33) Information about review or approval of programs relating to the security of:
3 “(a) Generation, storage or conveyance of:
4 “(A) Electricity;
5 “(B) Gas in liquefied or gaseous form;
6 “(C) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);
7 “(D) Petroleum products;
8 “(E) Sewage; or
9 “(F) Water.
10 “(b) Telecommunication systems, including cellular, wireless or radio systems.
11 “(c) Data transmissions by whatever means provided.
12 “(34) The information specified in ORS 25.020 (8) if the Chief Justice of the Supreme Court
13 designates the information as confidential by rule under ORS 1.002.
14 “(35)(a) Employer account records of the State Accident Insurance Fund Corporation.
15 “(b) As used in this subsection, ‘employer account records’ means all records maintained in any
16 form that are specifically related to the account of any employer insured, previously insured or un-
17 der consideration to be insured by the State Accident Insurance Fund Corporation and any infor-
18 mation obtained or developed by the corporation in connection with providing, offering to provide
19 or declining to provide insurance to a specific employer. ‘Employer account records’ includes, but
20 is not limited to, an employer’s payroll records, premium payment history, payroll classifications,
21 employee names and identification information, experience modification factors, loss experience and
22 dividend payment history.
23 “(c) The exemption provided by this subsection may not serve as the basis for opposition to the
24 discovery documents in litigation pursuant to applicable rules of civil procedure.
25 “(36)(a) Claimant files of the State Accident Insurance Fund Corporation.
26 “(b) As used in this subsection, ‘claimant files’ includes, but is not limited to, all records held
27 by the corporation pertaining to a person who has made a claim, as defined in ORS 656.005, and all
28 records pertaining to such a claim.
29 “(c) The exemption provided by this subsection may not serve as the basis for opposition to the
30 discovery documents in litigation pursuant to applicable rules of civil procedure.
31 “(37) Except as authorized by ORS 408.425, records that certify or verify an individual’s dis-
32 charge or other separation from military service.
33 “(38) Records of or submitted to a domestic violence service or resource center that relate to
34 the name or personal information of an individual who visits a center for service, including the date
35 of service, the type of service received, referrals or contact information or personal information of
36 a family member of the individual. As used in this subsection, ‘domestic violence service or resource
37 center’ means an entity, the primary purpose of which is to assist persons affected by domestic or
38 sexual violence by providing referrals, resource information or other assistance specifically of ben-
39 efit to domestic or sexual violence victims.
40 “(39) Information reported to the Oregon Health Authority under ORS 431A.860, except as pro-
41 vided in ORS 431A.865 (3)(b), information disclosed by the authority under ORS 431A.865 and any
42 information related to disclosures made by the authority under ORS 431A.865, including information
43 identifying the recipient of the information.
44 “(40)(a) Electronic mail addresses in the possession or custody of an agency or subdivision of
45 the executive department, as defined in ORS 174.112, the legislative department, as defined in ORS

1 174.114, a local government or local service district, as defined in ORS 174.116, or a special gov-
2 ernment body, as defined in ORS 174.117.

3 “(b) This subsection does not apply to electronic mail addresses assigned by a public body to
4 public employees for use by the employees in the ordinary course of their employment.

5 “(c) This subsection and ORS 244.040 do not prohibit the campaign office of the current
6 officeholder or current candidates who have filed to run for that elective office from receiving upon
7 request the electronic mail addresses used by the current officeholder’s legislative office for news-
8 letter distribution, except that a campaign office that receives electronic mail addresses under this
9 paragraph may not make a further disclosure of those electronic mail addresses to any other person.

10 “(41) Residential addresses, residential telephone numbers, personal cellular telephone numbers,
11 personal electronic mail addresses, driver license numbers, emergency contact information, Social
12 Security numbers, dates of birth and other telephone numbers of individuals currently or previously
13 certified or licensed by the Department of Public Safety Standards and Training contained in the
14 records maintained by the department.

15 “(42) Personally identifiable information and contact information of veterans as defined in ORS
16 408.225 and of persons serving on active duty or as reserve members with the Armed Forces of the
17 United States, National Guard or other reserve component that was obtained by the Department of
18 Veterans’ Affairs in the course of performing its duties and functions, including but not limited to
19 names, residential and employment addresses, dates of birth, driver license numbers, telephone
20 numbers, electronic mail addresses, Social Security numbers, marital status, dependents, the char-
21 acter of discharge from military service, military rating or rank, that the person is a veteran or has
22 provided military service, information relating to an application for or receipt of federal or state
23 benefits, information relating to the basis for receipt or denial of federal or state benefits and in-
24 formation relating to a home loan or grant application, including but not limited to financial infor-
25 mation provided in connection with the application.

26 “(43) Business, commercial, financial, operational and research data and information, including
27 but not limited to pricing, intellectual property and customer records, furnished to, developed by or
28 generated in connection with the ownership and operation of an unmanned aerial system test range,
29 if disclosure of the information would cause a competitive disadvantage to the test range or its us-
30 ers.

31 “(44) Personally identifiable information about a child under the age of 16 years that is submit-
32 ted to the State Fish and Wildlife Commission or an agent of the commission to obtain a license, tag
33 or permit under the wildlife laws.

34 “(45) Proprietary information subject to a nondisclosure agreement that is provided to the
35 Oregon Broadband Office pursuant to ORS 285A.176.

36 “(46) With respect to records held by the State Treasurer relating to unclaimed properties under
37 ORS 98.302 to 98.436:

38 “(a) All materials or communications received during an examination under ORS 98.412 (2) and
39 (3), except to the extent that the information in the materials or communications appears within a
40 report under ORS 98.412 (4) or 98.352 and the information is not otherwise exempt under ORS 98.352
41 (4).

42 “(b) All materials or communications assembled or used by the state or its auditor during the
43 preparation of a report under ORS 98.412 (4), including drafts, correspondence, working papers and
44 other preparatory documents.

45 “(c) Information obtained during an examination under ORS 98.412 (2) and (3) concerning an

1 unclaimed property holder’s potential liability in a state other than Oregon, even if that information
2 is included in a report under ORS 98.412 (4) or 98.352.

3 “(d) Information in or supporting claims to unclaimed property under ORS 98.392, except to the
4 extent that the claimant consents to the information’s disclosure.

5 “(47) Any document, record or plan for protection relating to the existence, nature, location or
6 function of cybersecurity devices, programs or systems designed to protect computer, information
7 technology or communications systems against threat or attack, including but not limited to:

8 “(a) Records pertaining to devices, programs or systems that depend for their effectiveness in
9 whole or part upon a lack of public knowledge; and

10 “(b) Contractual records or insurance records that set forth cybersecurity specifications, insur-
11 ance application and coverage details.

12 “(48) **Records submitted to the State Department of Agriculture pursuant to section 7**
13 **of this 2024 Act or rules adopted under section 6 of this 2024 Act.**

14
15 **“CAPTIONS**

16
17 **“SECTION 11. The unit captions used in this 2024 Act are provided only for the conven-**
18 **ience of the reader and do not become part of the statutory law of this state or express any**
19 **legislative intent in the enactment of this 2024 Act.**

20
21 **“EFFECTIVE DATE**

22
23 **“SECTION 12. This 2024 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**
25 **on its passage.”.**

26 /s/ Mark Owens
27 Representative

28 /s/ Anna Scharf
29 Representative

30 _____
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