

House Bill 2920

Sponsored by Representative BUCKLEY

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 state agencies to disclose public records in electronic form in certain circumstances and, when practicable, in open formats for which freeware is available.

Requires State Library, depository libraries and public libraries to install and maintain freeware so that members of public can view, print and make copies of public documents, if in doing so library does not incur additional administrative or operational expense.

A BILL FOR AN ACT

1
2 Relating to public records; creating new provisions; and amending ORS 357.100 and 357.105.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 192.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Electronic form" means a record stored or embodied digitally and in such a way that**
7 **a computer or another electronic device of a similar or related nature is required to display,**
8 **read, print, store, manipulate or otherwise interact with the record.**

9 (b) **"Freeware" means computer software made available or distributed to the public for**
10 **use free of charge for an unlimited time.**

11 (c) **"Open format" means a specification published or otherwise made available that is:**

12 (A) **Free of legal or technical restrictions on the specification's use for encoding, dis-**
13 **playing, reading, printing or storing information or data in electronic form;**

14 (B) **Free from a requirement to pay royalties or other forms of compensation for use of**
15 **the specification;**

16 (C) **Developed or updated by more than one independent software provider in a well-**
17 **defined, inclusive process; and**

18 (D) **Controlled or guided by the specification's author or a standards organization in-**
19 **cluding, but not limited to, the American National Standards Institute, the International**
20 **Organization for Standardization and the Organization for the Advancement of Structured**
21 **Information Standards.**

22 (d) **"Proprietary format" means a specification subject to legal or technical restrictions**
23 **on the specification's use for encoding, displaying, reading, printing or storing information**
24 **or data in electronic form.**

25 (e) **"Public record" has the meaning given that term in ORS 192.410.**

26 (f) **"State agency" has the meaning given that term in ORS 192.410.**

27 (2) **A state agency shall disclose a public record under ORS 192.410 to 192.505 in electronic**
28 **form if:**

29 (a) **The state agency originally made, received, filed or recorded the record in electronic**
30 **form; or**

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 **(b) The state agency, in accordance with ORS 192.050, captured the record in or con-**
 2 **verted the record to electronic form.**

3 **(3) A state agency, in disclosing or making available copies of public records in accord-**
 4 **ance with subsection (2) of this section, shall to the extent practicable and in accordance**
 5 **with rules that the Secretary of State adopts:**

6 **(a) Disclose or make copies of the record available in an open format for which freeware**
 7 **is available or for which another method exists by means of which the person requesting the**
 8 **record may display, read, print, manipulate or otherwise interact with the information em-**
 9 **bodied in the record free of charge.**

10 **(b) Disclose or make copies of the record available in a proprietary format only if no open**
 11 **format exists for the record that provides equivalent capabilities for displaying, reading,**
 12 **printing, manipulating or otherwise interacting with the information or data embodied in the**
 13 **record.**

14 **(4) A state agency that captures or converts a public record to electronic form in re-**
 15 **sponse to a request for disclosure of or a copy of the record in electronic form shall perform**
 16 **the capture or conversion within five business days. Thereafter the state agency shall**
 17 **maintain the public record in electronic form alongside or in lieu of the record in the re-**
 18 **cord's previous form.**

19 **(5) The Secretary of State, in the secretary's capacity as public records administrator,**
 20 **shall encourage and, where practicable, by rule require state agencies to store, maintain and**
 21 **make available copies of public records in electronic form using open formats. The secretary**
 22 **by rule may set standards and preferences for the use of open formats to encourage uni-**
 23 **formity among state agencies and, where different open formats exist that serve the same**
 24 **purpose, shall prefer the open format for which the widest selection of freeware is available**
 25 **for use by the public.**

26 **SECTION 3.** ORS 357.100 is amended to read:

27 357.100. (1) The State Library shall be the agency responsible for receiving copies of public
 28 documents and making them available to depository libraries.

29 (2) The State Librarian shall periodically assess the performance of depository libraries and re-
 30 port the results of these assessments to the Trustees of the State Library.

31 (3) The State Library shall ensure permanent public access to public documents, regardless of
 32 the format of the document.

33 **(4)(a) The State Library shall install and maintain freeware on computers designated for**
 34 **use by the public so that members of the public may view, print and save copies of public**
 35 **documents available in electronic form.**

36 **(b) The State Library must comply with paragraph (a) of this subsection only if in doing**
 37 **so the State Library does not incur additional administrative or operational expense.**

38 **(c) For purposes of this section, "freeware" has the meaning given that term in section**
 39 **1 of this 2007 Act.**

40 **SECTION 4.** ORS 357.105 is amended to read:

41 357.105. (1) Depository libraries shall make available for free access by all persons the public
 42 documents made available to them by the State Librarian under ORS 357.090 to 357.100.

43 **(2)(a) Depository libraries shall install and maintain freeware on computers designated**
 44 **for use by the public so that members of the public may view, print and save copies of public**
 45 **documents available in electronic form.**

1 **(b) A depository library must comply with paragraph (a) of this subsection only if in do-**
2 **ing so the depository library does not incur additional administrative or operational expense.**

3 **(c) For purposes of this section, “freeware” has the meaning given that term in section**
4 **1 of this 2007 Act.**

5 **SECTION 5. Section 6 of this 2007 Act is added to and made a part of ORS 357.400 to**
6 **357.621.**

7 **SECTION 6. (1) A public library operating under authority granted under ORS 357.400 to**
8 **357.621 shall install and maintain freeware on computers designated for use by the public so**
9 **that members of the public may view, print and save copies of public documents available in**
10 **electronic form.**

11 **(2) A public library must comply with subsection (1) of this section only if in doing so the**
12 **public library does not incur additional administrative or operational expense.**

13 **(3) For purposes of this section, “public document” has the meaning given that term in**
14 **ORS 357.004 and “freeware” has the meaning given that term in section 1 of this 2007 Act.**

15 **SECTION 7. Sections 2 and 6 of this 2007 Act and the amendments to ORS 357.100 and**
16 **357.105 by sections 3 and 4 of this 2007 Act apply to all state agencies, the State Library, all**
17 **depository libraries, all public libraries operating under authority of ORS 357.400 to 357.621**
18 **and all disclosures or copies of public records made on or after the effective date of this 2007**
19 **Act.**