

# House Bill 2483

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Accountability for Government Efficiency Task Force)

## 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**.

Establishes task force to study and make recommendations on exemptions from public records and changes to public records laws to ensure consistent criteria and processes are applied in exempting public records from disclosure, in application of public records requirements to social media data and for other purposes.

Directs task force to submit report to Legislative Assembly on or before September 1, 2012.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to task force review of public records laws; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on Public Records is established, consisting of 15 mem-**  
5 **bers as follows:**

6 (a) **The President of the Senate shall appoint one member from among members of the**  
7 **Senate.**

8 (b) **The Speaker of the House of Representatives shall appoint one member from among**  
9 **members of the House of Representatives.**

10 (c) **The Governor shall appoint:**

11 (A) **One member who represents the counties of this state. The Governor may consider**  
12 **a recommendation from the Association of Oregon Counties for this position.**

13 (B) **One member who represents the cities of this state. The Governor may consider a**  
14 **recommendation from the League of Oregon Cities for this position.**

15 (C) **One member who represents the news media of this state. The Governor may con-**  
16 **sider a recommendation from the Oregon Newspaper Publishers Association for this position.**

17 (D) **Three members representing three state agencies.**

18 (E) **One member who is a resident of this state and who shall serve as the public mem-**  
19 **ber.**

20 (F) **One member from among the nonlegislative members of the Transparency Oregon**  
21 **Advisory Commission.**

22 (G) **One member from the Oregon Department of Administrative Services with expertise**  
23 **in information security.**

24 (d) **The Chief Justice of the Supreme Court shall appoint one member who represents the**  
25 **Judicial Department.**

26 (e) **The Attorney General shall appoint one member who represents the Department of**  
27 **Justice.**

28 (f) **The State Archivist.**

**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 (g) The State Chief Information Officer.

2 (2) The task force shall:

3 (a) Study and review the public records laws and make recommendations for improved  
4 and appropriate access to public records.

5 (b) Make recommendations on how to rebalance competing interests in the public records  
6 laws to ensure appropriate protection of confidential and private information with legitimate  
7 public needs for access to information.

8 (c) Make recommendations on resolving information-sharing issues between government  
9 entities and with the public.

10 (d) Review existing exemptions from disclosure and make recommendations on the con-  
11 tinued need for exemptions and on processes to resolve conflicts that arise when exemptions  
12 impede effective execution of government policies.

13 (e) Review public entity use of social media technologies and other forms of electronic  
14 communication and make recommendations on when evolving forms of electronic communi-  
15 cation and data appropriately constitute public records.

16 (f) Make recommendations on policy criteria for balancing the needs for privacy and  
17 personal safety with government transparency and public oversight of government activity.

18 (g) Make recommendations on the need for a public records exemption commission with  
19 authority to rapidly exempt public information from disclosure or temporarily suspend an  
20 exemption when the public need to know information outweighs the interests in keeping the  
21 information confidential.

22 (3) Members of the Legislative Assembly appointed to the task force are nonvoting  
23 members of the task force and may act in an advisory capacity only.

24 (4) A majority of the voting members of the task force constitutes a quorum for the  
25 transaction of business.

26 (5) Official action by the task force requires the approval of a majority of the voting  
27 members of the task force.

28 (6) The task force shall elect one of its members to serve as chairperson.

29 (7) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
30 ment to become immediately effective.

31 (8) The task force shall meet at times and places specified by the call of the chairperson  
32 or of a majority of the voting members of the task force.

33 (9) The task force may adopt rules necessary for the operation of the task force.

34 (10) The task force shall submit a report, and may include recommendations for legis-  
35 lation, to an interim committee of the Legislative Assembly related to government account-  
36 ability, government operations or public affairs, as appropriate, no later than September 1,  
37 2012.

38 (11) The Oregon Department of Administrative Services shall provide staff support to the  
39 task force.

40 (12) Members of the task force who are not members of the Legislative Assembly are not  
41 entitled to compensation, but may be reimbursed for actual and necessary travel and other  
42 expenses incurred by them in the performance of their official duties in the manner and  
43 amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions  
44 of the task force shall be paid out of funds appropriated to the Oregon Department of Ad-  
45 ministrative Services for purposes of the task force.

1       **(13) All agencies of state government, as defined in ORS 174.111, are directed to assist**  
2 **the task force in the performance of its duties and, to the extent permitted by laws relating**  
3 **to confidentiality, to furnish such information and advice as the members of the task force**  
4 **consider necessary to perform their duties.**

5       **SECTION 2.** **Section 1 of this 2011 Act is repealed on February 4, 2013.**

6       **SECTION 3.** **This 2011 Act being necessary for the immediate preservation of the public**  
7 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
8 **on its passage.**

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