

**STAFF MEASURE SUMMARY****House Committee On Rules****Fiscal:** Fiscal impact issued**Revenue:** No Revenue Impact**Action Date:** 02/17/16**Action:** Do Pass With Amendments And Be Referred To Ways And Means By Prior Reference. (Printed A-Eng.)**Meeting Dates:** 02/05, 02/17**Vote:**

Yeas: 8 - Barnhart, Gilliam, Hoyle, Kennemer, Rayfield, Smith Warner, Williamson, Wilson

Exc: 1 - Huffman

**Prepared By:** Erin Seiler, Committee Administrator**WHAT THE MEASURE DOES:**

Requires public bodies to provide standardized acknowledgment of receipt of public records request within five business days of receiving request. Requires public bodies to provide records, or to assert exemption from required disclosure, within 30 days of receipt of request. Public body may exceed 30-day deadline if public body provides estimated time that records will be disclosed or exemptions claimed. Deadlines for responding to requests: (a) do not begin in school districts or education service districts during periods when majority of students are on break for five or more consecutive days; (b) do not apply when community college, community college service districts or public university are not attending class; and (c) do not apply to any public body that does not have at least one FTE. All public bodies not subject to notifications deadlines must meet requirements of notification as soon as practicable without reasonable delay. Permits requesters to petition for administrative or judicial review if public body fails to meet 30-day deadline. Directs county clerks and city elections officers to give notice to Secretary of State (SOS) regarding petitions for county or local initiative measures, and requires SOS to provide reasonable statewide notice of county or local initiative measures. Appropriates moneys from General Fund to SOS to implement statewide notice of county or local initiative measures.

**ISSUES DISCUSSED:**

- Timely access to public records
- Identifying best practices for management of public records
- Methods for accessing and reviewing public records
- Scope of public records requests made to public bodies
- Differences in ability of public body to respond to requests
- Costs associated with public records requests
- Ability to recoup actual costs of fulfilling requests

**EFFECT OF COMMITTEE AMENDMENT:**

Removes minimum two-year retention requirement for state agencies, the Legislative Assembly and political subdivisions. Removes \$30 fee limit on amount public bodies, with 10 or more full-time equivalent (FTE) employees, may establish as fees. Deadlines for responding to requests: (a) do not begin in school districts or education service districts during periods when majority of students are on break for five or more consecutive days; (b) do not apply when community college, community college service districts or public university are not attending class; and (c) do not apply to any public body that does not have at least one FTE. All public bodies not subject to notifications deadlines must meet requirements of notification as soon as practicable without reasonable delay. Failure to meet specific deadlines or estimated deadlines provided to requestor constitutes denial for determining whether person may institute proceeding for relief; does not apply to request to inspect or receive copy of court records that is submitted to judge. Removes emergency clause.

**BACKGROUND:**

The right to inspect public records in Oregon dates back to the early 1900s, when the Legislative Assembly first enacted the statute granting citizens the right to inspect public records. The 1973 Public Records Act gave citizens the right to inspect all records, with some exceptions.

Current public records law includes an overview of how state agencies should retain their records and how to respond to public records requests; allows agencies to charge fees and set guidelines for turnaround time; and identifies which records may be exempt from disclosure. Oregon law also allows public bodies to establish fees for reimbursement of the actual cost of making public records available, including costs of summarizing, compiling or tailoring the records to meet the public's request, staff time, and in some cases, attorney time as well.

After an agency receives a public records request, it is required to respond "as soon as practicable and without unreasonable delay" and acknowledge the receipt of the request. Oregon law does not currently impose deadlines for responding to public records requests; instead, ORS 192.430(1) requires that "[t]he custodian of any public records shall furnish proper and reasonable opportunities for inspection and examination of the records during normal business hours to all persons having cause to make examination of them." This has been interpreted by the Attorney General to allow public bodies a reasonable time to provide copies of the requested records or to make them available for inspection.