

Requested by Representative NEARMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 4130**

1 On page 1 of the printed bill, line 3, after “192.465” insert “, 192.490”.

2 On page 6, after line 39, insert:

3 **“SECTION 7a.** ORS 192.490 is amended to read:

4 “192.490. (1) In any suit filed under ORS 192.450, 192.460, 192.470 or
5 192.480, the court has jurisdiction to enjoin the public body from withholding
6 records and to order the production of any records improperly withheld from
7 the person seeking disclosure. The court shall determine the matter de novo
8 and the burden is on the public body to sustain its action. The court, on its
9 own motion, may view the documents in controversy in camera before
10 reaching a decision. Any noncompliance with the order of the court may be
11 punished as contempt of court.

12 “(2) Except as to causes the court considers of greater importance, pro-
13 ceedings arising under ORS 192.450, 192.460, 192.470 or 192.480 take preced-
14 ence on the docket over all other causes and shall be assigned for hearing
15 and trial at the earliest practicable date and expedited in every way.

16 “(3) If a person seeking the right to inspect or to receive a copy of a
17 public record prevails in the suit, the person shall be awarded costs and
18 disbursements and reasonable attorney fees at trial and on appeal. If the
19 person prevails in part, the court may in its discretion award the person
20 costs and disbursements and reasonable attorney fees at trial and on appeal,
21 or an appropriate portion thereof. If the state agency failed to comply with

1 the Attorney General's order in full and did not issue a notice of intention
2 to institute proceedings pursuant to ORS 192.450 (2) within seven days after
3 issuance of the order, or did not institute the proceedings within seven days
4 after issuance of the notice, the petitioner shall be awarded costs of suit at
5 the trial level and reasonable attorney fees regardless of which party insti-
6 tuted the suit and regardless of which party prevailed therein. **The court**
7 **may in its discretion order a state agency to pay to the person a sum**
8 **not to exceed \$100 for each day that the state agency improperly denied**
9 **the person the right to inspect or receive a copy of a public record."**

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