Requested by Representative NEARMAN

PROPOSED AMENDMENTS TO
HOUSE BILL 4135

1   On page 4 of the printed bill, after line 24, insert:

2   **"SECTION 5. Section 6 of this 2016 Act is added to and made a part**

3   **of ORS 192.410 to 192.505.**

4   **"SECTION 6. (1) As used in this section:**

5   **"(a) 'Complex record request' means a request that is not a routine**

6   **record request.**

7   **"(b) 'Routine record request' means a request:**

8   **"(A) For public records that are stored in electronic format and**

9   **contain text that is electronically searchable;**

10 **"(B) That may be completely processed using electronic search tools**

11 **that are available in the custodian's electronic storage system; and**

12 **"(C) That results in the production of records in an amount not to**

13 **exceed one gigabyte of data.**

14 **"(2)(a) The office of Public Records Ombudsman is established in**

15 **the office of the Secretary of State to serve as a mediator between a**

16 **requester of public records and a custodian of public records.**

17 **"(b) The Minority Leader of the House of Representatives and the**

18 **Minority Leader of the Senate shall jointly appoint an individual to**

19 **serve as the Public Records Ombudsman.**

20 **"(3) A requester or a custodian of public records may submit a re-**

21 **quest to the office of the Public Records Ombudsman requesting that**

1 **the ombudsman review the record request and determine whether the**

2 **request is a routine record request or a complex record request.**

3 **"(4) If the ombudsman determines that the request is a complex**

4 **record request, the ombudsman shall assist the requester, to the ex-**

5 **tent practicable, in making the request a routine record request.**

6 **"(5) If the ombudsman determines that the request, in whole or in**

7 **part, is a routine record request, the ombudsman shall notify the re-**

8 **quester and the custodian of the determination. Within two weeks of**

9 **receiving notice of the determination, the custodian shall fulfill any**

10 **part of the request that is a routine record request. If the custodian**

11 **does not, within the time allowed, fulfill the request, the custodian**

12 **shall pay the sum of $100 to the requester for each day the custodian**

13 **does not fulfill the request.".**

14 In line 25, delete "5" and insert "7".

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