

HB 2101-14

Section-By-Section

P. 1, Lines 1 - 4: HB 2101-14 replace the entire printed bill.

Section 1, page 1, lines 5 - 6: Imports from the Public Records Law the current definition of the term “public records.”

Section 2, page 1, lines 7 - 21: Requires Legislative Counsel to prepare an “Open Government Impact Statement” for every reported measure that “affects the disclosure, or exemption from disclosure, of a public record.” Specifies the required content of such Statements.

Section 3, page 2, lines 1 - 12: Legislative Counsel must review and report on exemptions according to a schedule established by a subcommittee of the Legislative Counsel Committee (see Section 4 for the subcommittee’s mandate). LC’s review and report is due to the Legislative Counsel Committee on or before September 1 of each even-numbered year. Under Section 4, page 3, lines 4 - 8, the subcommittee’s report must include recommendations to amend or repeal the exemptions reviewed.

Section 4, pages 2 - 3: Requires the full Legislative Counsel Committee to establish a subcommittee consisting of specified Members. The subcommittee must establish a “schedule to review all exemptions from disclosure of public records.” Requires the subcommittee to “cooperate with and invite advice and comment from,” among others, the “public” and “any committee or task force appointed by the Attorney General, the Governor or the Secretary of State” to examine the Public Records Law.

Section 5, page 3: The full and sub committees are authorized to adopt rules enhancing “the opportunity for public participation in the deliberations of the committee and subcommittee, including through the live-streaming of meetings.” Regardless of whether special rules are adopted, the full and sub committees are obligated by page 3, lines 27 - 30 to conduct their deliberations in accordance “with the open meeting requirements of Article IV, section 14, of the Oregon Constitution, and rules adopted thereunder.”

Section 6, page 4, lines 1 - 2: As amended by the -14, the Open Government Impact review of administrative rules (see Section 7) would be codified as part of the series of current law specifying the role the Legislative Counsel Committee currently plays in legislative review of state agency administrative rules.

Section 7, page 4, lines 3 - 15: LC “shall include” administrative rules in the schedule for review of exemptions upon request of “any person affected by the rule” or on the request of any “member of the Legislative Assembly. . . “

Sections 8 & 9, lines 16 - 27: HB 2101-14 would become law on the 91st day following adjournment. Starting on that day, LC and the Legislative Counsel Committee are authorized to prepare for implementing Sections 1 - 7. Sections 1 - 7 become “operative” on January 1, 2018. Open Government Impact Statements would be expected under these sections to begin to be prepared during the session that will convene in January, 2018. Legislative Counsel’s first review and report would be due to the full Legislative Counsel Committee on or before September 1, 2018.

Prepared and submitted April 23, 2017, by Pete Shepherd (503-871-3787), speaking only for himself. For submission to the House Rules Committee in connection with its deliberations on HB 2101.