

Requested by Representative HUFFMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 2101**

1 On page 1 of the printed bill, line 2, after the first semicolon delete the
2 rest of the line and delete lines 3 through 11 and insert “and prescribing an
3 effective date.”.

4 Delete lines 13 through 31 and delete page 2 and insert:

5 **“SECTION 1. As used in sections 1 to 5 of this 2017 Act, ‘public re-**
6 **cord’ has the meaning given that term in ORS 192.410.**

7 **“SECTION 2. (1) The Legislative Counsel shall prepare an Open**
8 **Government Impact Statement for each measure reported out of a**
9 **committee of the Legislative Assembly if the measure affects the dis-**
10 **closure, or exemption from disclosure, of a public record.**

11 **“(2) An Open Government Impact Statement must:**

12 **“(a) State whether the measure conforms to any standards adopted**
13 **by the Legislative Counsel for drafting measures that establish ex-**
14 **emptions from disclosure of public records;**

15 **“(b) Identify the arguments in support of and in opposition to the**
16 **measure; and**

17 **“(c) Describe how the measure would alter existing standards re-**
18 **garding the disclosure or exemption from disclosure of public records**
19 **and how the measure would impact public interests in disclosure that**
20 **would be served if the public record were subject to mandatory dis-**
21 **closure.**

1 **“SECTION 3. (1) Pursuant to a schedule of review adopted by the**
2 **Legislative Counsel Committee subcommittee established under sec-**
3 **tion 4 of this 2017 Act, the Legislative Counsel shall, during each in-**
4 **terim between regular sessions of the Legislative Assembly, review**
5 **exemptions from disclosure of public records previously enacted into**
6 **law for which an Open Government Impact Statement was not pre-**
7 **pared. The Legislative Counsel shall review each exemption as though**
8 **the exemption were being proposed as a measure to create a new ex-**
9 **emption.**

10 **“(2) On or before September 1 of each even-numbered year, the**
11 **Legislative Counsel shall deliver to the Legislative Counsel Committee**
12 **the results of the review required by this section.**

13 **“SECTION 4. (1) The Legislative Counsel Committee shall establish**
14 **a subcommittee for the purpose of reviewing exemptions from disclo-**
15 **sure of public records.**

16 **“(2) The Speaker of the House of Representatives and the President**
17 **of the Senate shall appoint to the subcommittee four members of the**
18 **Legislative Assembly from among the members of the committee as**
19 **follows:**

20 **“(a) The President of the Senate shall appoint:**

21 **“(A) One member who is a member of the Senate and a member**
22 **of the majority party; and**

23 **“(B) One member who is a member of the Senate and a member of**
24 **the minority party; and**

25 **“(b) The Speaker of the House of Representatives shall appoint:**

26 **“(A) One member who is a member of the House of Representatives**
27 **and a member of the majority party; and**

28 **“(B) One member who is a member of the House of Representatives**
29 **and a member of the minority party.**

30 **“(3) The subcommittee shall establish, and adjust as necessary, a**

1 schedule to review all exemptions from disclosure of public records.
2 The subcommittee shall include in the review any administrative rule
3 for which a review was requested under section 7 of this 2017 Act.

4 “(4) On or before September 1 of each even-numbered year, the
5 subcommittee shall submit a report to the committee and shall include
6 in the report recommendations to amend or repeal the exemptions
7 from disclosure reviewed by the subcommittee during the period since
8 the last report submitted by the subcommittee under this section.

9 “(5) The subcommittee shall cooperate with and invite advice and
10 comment from:

11 “(a) The public;

12 “(b) The Attorney General;

13 “(c) The Governor;

14 “(d) The Secretary of State;

15 “(e) Any committee, task force or other public entity created by law
16 to examine any aspect of ORS 192.410 to 192.505 or the disclosure of
17 public records; and

18 “(f) Any committee or task force appointed by the Attorney Gen-
19 eral, the Governor or the Secretary of State to examine any aspect of
20 ORS 192.410 to 192.505 or of the disclosure of public records.

21 “SECTION 5. (1) The Legislative Counsel Committee, and the sub-
22 committee established under section 4 of this 2017 Act, may adopt
23 rules applicable to deliberations of the committee and subcommittee
24 under sections 1 to 5 of this 2017 Act. The rules may enhance the op-
25 portunity for public participation in the deliberations of the committee
26 and subcommittee, including through the live-streaming of meetings.

27 “(2) All deliberations of the Legislative Counsel Committee and the
28 subcommittee shall be conducted in accordance with the open meeting
29 requirements of Article IV, section 14, of the Oregon Constitution, and
30 rules adopted thereunder.

1 **“SECTION 6. Section 7 of this 2017 Act is added to and made a part**
2 **of ORS 183.710 to 183.725.**

3 **“SECTION 7. (1) As used in this section, ‘public record’ has the**
4 **meaning given that term in ORS 192.410.**

5 **“(2) The Legislative Counsel shall include in the schedule estab-**
6 **lished under section 4 of this 2017 Act an adopted rule of a state agency**
7 **upon the written request of any person affected by the rule if the**
8 **adopted rule impacts the disclosure, or exemption from disclosure, of**
9 **a public record. The request must specify the disclosure or exemption**
10 **that is of concern.**

11 **“(3) The Legislative Counsel shall include in the schedule estab-**
12 **lished under section 4 of this 2017 Act an adopted rule of a state agency**
13 **upon the written request of a member of the Legislative Assembly if**
14 **the adopted rule impacts the disclosure, or exemption from disclosure,**
15 **of a public record.**

16 **“SECTION 8. (1) Sections 1 to 7 of this 2017 Act become operative**
17 **on January 1, 2018.**

18 **“(2) The Legislative Counsel and the Legislative Counsel Committee**
19 **may take any action before the operative date specified in subsection**
20 **(1) of this section that is necessary to enable the Legislative Counsel**
21 **and the committee to exercise, on and after the operative date speci-**
22 **fied in subsection (1) of this section, all of the duties, functions and**
23 **powers conferred on the Legislative Counsel and the committee by**
24 **sections 1 to 7 of this 2017 Act.**

25 **“SECTION 9. This 2017 Act takes effect on the 91st day after the**
26 **date on which the 2017 regular session of the Seventy-ninth Legislative**
27 **Assembly adjourns sine die.”.**