

D R A F T

SUMMARY

Requires Public Records Advisory Council to conduct surveys every even-numbered year on public records practices and procedures and to publish results of surveys by September 1 of each odd-numbered year.

A BILL FOR AN ACT

Relating to public records; amending ORS 192.483.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 192.483 is amended to read:

192.483. (1) The Public Records Advisory Council created under ORS 192.481 shall periodically perform all of the following:

(a) **Every even-numbered year**, survey state agency and other public body practices and procedures for:

(A) Receiving public records requests, identifying the existence of records responsive to the requests and gathering and disclosing responsive records;

(B) Determining fee estimates and imposing or waiving fees under ORS 192.324; *[and]*

(C) Determining and applying exemptions from required disclosure of public records; **and**

(D) **Any other information that the council deems appropriate following feedback from public records requesters or other interested persons.**

(b) Examine practices similar to those described in paragraph (a) of this subsection in other jurisdictions.

(c) Identify inefficiencies and inconsistencies in application of the public

1 records law that impede transparency in public process and government.

2 (d) Make recommendations on changes in law, policy or practice that
3 could enhance transparency in public process and government, and facilitate
4 rapid dissemination of public records to requesters.

5 (e) Make recommendations on the role of the Public Records Advocate
6 as facilitator in disputes between custodians of public records and public
7 record requesters.

8 **(2) The council shall publish the results of the survey described in**
9 **subsection (1)(a) of this section on or before September 1 of the odd-**
10 **numbered year following the year in which the survey is conducted.**
11 **The council shall at the same time publish a listing of the entities that**
12 **failed to respond to the survey.**

13 [(2)] **(3)** No later than December 1 of each even-numbered year, the
14 council shall submit to the Governor, and to the Legislative Assembly in the
15 manner provided by ORS 192.245, a report that describes the findings of the
16 council since the council's last report. The report may include recommen-
17 dations for legislation.

18 [(3)] **(4)** The council or the Public Records Advocate may prepare reports
19 and studies more frequently than required under subsection [(2)] **(3)** of this
20 section.

21 [(4)] **(5)** The council may adopt rules governing the operations of the of-
22 fice of the Public Records Advocate, including but not limited to rules es-
23 tablishing procedures for the conduct of facilitated dispute resolution under
24 ORS 192.464. The council shall consider efficiencies and the preference for
25 a policy of transparency and openness in government in this state in adopt-
26 ing rules under this subsection.