

FISCAL IMPACT OF PROPOSED LEGISLATION

81st Oregon Legislative Assembly – 2021 Regular Session
Legislative Fiscal Office

Measure: HB 2485

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Requires state agencies to reduce public records request fees by 50 percent if request is made in public interest, and requires state agencies to entirely waive fees if public records request is in public interest and narrowly tailored.

Government Unit(s) Affected:

Statewide

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis:

HB 2485 requires state agencies to reduce public records request fees by 50% if the request is made in the public interest, and to entirely waive fees if the records request is in the public interest and is narrowly tailored. The measure specifies that a request made by a representative of the news media constitutes a request in the public interest. The measure does not define who constitutes a representative of the news media. The measure contains an emergency clause and takes effect on passage.

State Agencies

At this time, all the ramifications of this measure cannot be fully predicted and therefore the fiscal impact on state agencies cannot be determined. Under current law and practice, state agencies already reduce or waive fees for public records requests in the public interest, charging fees only to defray the cost of gathering and duplicating records. With passage of this measure, state agencies will need to revise public record policies and update fee schedules, develop guidelines for determining when a request is in the public interest, and when it is narrowly tailored, and who would be considered a member of the news media. State agencies will need to train staff on the new law. Agencies should be able to absorb these activities within existing budgetary resources.

However, the existence of this law could likely result in an increased volume of public records requests. There will likely be a spike in petitions from special interest groups, YouTubers, bloggers, and other social media moderators claiming to be representatives of news media, as well as an increase in petitions disputing whether a request was “narrowly tailored.” Agencies will need staff and resources to collect, copy, collate, review, and redact protected information. Some requests require Department of Justice consultation. Requests that require email searches or data collection or mining will require the time and expertise of information technology staff and resources. Some agencies [e.g. the Department of Corrections (DOC), the Oregon State Police (OSP), the Oregon State Treasurer (OST)] report that they are already struggling to meet the demands of existing public records requests. If this measure results in an increased volume of requests beyond what can be absorbed with existing resources, agencies may need to return to an Emergency Board for additional staffing and funding.

Cities, Counties, Local Service Districts, Special Government Bodies

The fiscal impact of this bill on local government is indeterminate depending on whether local entities opt to resolve not to adopt the fee reductions and waivers required by this measure. The measure requires local governments, local service districts, and special government bodies to make, by January 1, 2022, reductions and waivers in public records requests fees unless the governing body conducts a public meeting, deliberates on and resolves not to adopt fee reductions and waivers required by this measure.