

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Without Recommendation as to Passage, but with Amendments, and Be Returned to the Senate President's Desk for Referral to Another Committee
Vote:	5 - 0 - 0
Yeas:	Bonamici, Boquist, George, Monroe, Shields
Nays:	0
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	3/14, 3/16, 4/13, 4/18, 4/20

WHAT THE MEASURE DOES: Establishes deadlines, with exceptions, by which public bodies must respond to public records requests. Sets limits on fees, with exceptions, which public bodies may charge for responding to public records requests. Establishes the jurisdiction of the Attorney General to hear petitions for review of public records in the custody of elected officials by persons who are denied the right to inspect records. Directs the Attorney General to develop training materials related to public records. Stipulates agencies and local governments need not respond to records requests if requester still has unpaid balance for previous requests. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current exemptions from public records law
- Cost to state agencies and local governments of responding to public records requests
- Importance of public access to government records
- Potential impact of measure on smaller city governments

EFFECT OF COMMITTEE AMENDMENT: Replaces original measure. Reorganizes exemptions. Allows longer extensions for more difficult requests. Doubles deadlines for small local governments and small schools. Considers request made of small school closed for vacation to be received on date school reopens. Stipulates agencies and local governments need not respond to records requests if requester still has unpaid balance for previous requests.

BACKGROUND: Oregon law does not currently impose deadlines for responding to public records requests; instead, ORS 192.430(1) requires that “[t]he custodian of any public records shall furnish proper and reasonable opportunities for inspection and examination of the records during normal business hours to all persons having cause to make examination of them.” This has been interpreted by the Attorney General to allow public bodies a reasonable time to provide copies of the requested records or to make them available for inspection. Thirty-three states and the District of Columbia have statutes that establish specific deadlines by which responses must be made by public bodies to records requests. The times range from as few as two days in Vermont to as many as 35 days in Pennsylvania.

Oregon law also allows public bodies to establish fees for reimbursement of the actual cost of making public records available, including costs of summarizing, compiling or tailoring the records to meet the public’s request, staff time, and in some cases, attorney time as well. All states give public bodies authority to recoup the cost of records requests; 11 states exclude staff time in the cost calculation, and no other state allows for calculation of attorney time as part of the fee.

Senate Bill 41-A establishes specific deadlines for public bodies to respond to public records requests. The measure also prescribes how fees may be calculated and assessed for records requests. The Attorney General is directed to develop and make available training materials related to public records.