

Written Testimony of Rob Bovett, AOC Legal Counsel
before the
House Committee on Rules
regarding
Oregon Public Records Law

Thursday, February 9, 2016

Chair Williamson, Vice-Chairs McLane and Rayfield, and Members of the Committee,

Thank you for the opportunity to share a few thoughts with you about the operation and possible reform of our public records law.

The basic structure of Oregon's public records law has not changed since the early 1970s. However, the nature of public records, and how they are generated and stored, has changed dramatically since that time. Decades of efforts to significantly reform or modernize our public records law have all met with failure, largely due to a lack of consensus among key stakeholders.

A couple years ago, Oregon Attorney General Ellen Rosenblum decided to give it another try, and formed the [Attorney General's Public Records Law Reform Task Force](#). I serve on that Task Force as the representative from the [Association of Oregon Counties \(AOC\)](#). The Attorney General has made it clear that she wants to tackle three big issues, namely timelines, fees, and exemptions. She also wisely indicated that she seeks consensus among the key stakeholders.

The Task Force has extensively discussed the issues at its meetings, and also conducted a series of meetings around the state to solicit public input. Recently, the Attorney General has prepared draft legislation to address timing issues, which has become [Senate Bill 481](#).

Governor Kate Brown has also taken an active part in a separate piece of the public records law reform puzzle, namely the possibility of having a public records advocate, similar to what is being done successfully in a number of other states. This has become [Senate Bill 106](#), and also includes provisions that create an advisory council.

Both of those bills contain valuable concepts, but both are in need of amendments in order to achieve consensus.¹ Hopefully, that will be accomplished by the time you see those bills in this Committee.

I am cautiously optimistic that we can find consensus to move forward on each of the four critical public records law reform issues: (1) Timelines, (2) fees; (3) exemptions; and (4) review and appeal process. It is also important to note that this work is quite extensive, and may take multiple legislative sessions to accomplish. Thank you again for the opportunity to share my thoughts this afternoon.

¹ I refer to the critical need for "consensus" cautiously, and in two senses, as the last time I did so at a Task Force meeting some in the media [ran with a story and editorials](#) that were both misleading and inaccurate.