

HB 2485 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/18, 3/18, 3/23

WHAT THE MEASURE DOES:

Requires state agency custodians of public records to reduce public records request fees by 50 percent if request is in the public interest and to completely waive the fee if request is in the public interest and narrowly tailored. Makes request by a representative of the news media a request in the public interest. Requires the same public records request fee reduction or waiver for local government, local service district, or a special government body custodians as of January 1, 2022, unless the governing body of the custodian has held a public meeting, deliberated on, and resolved not to adopt the fee reduction or waiver. Declares emergency, effective on passage.

FISCAL: Fiscal impact issued

REVENUE: No revenue impact

ISSUES DISCUSSED:

- Definition and criteria for news media and public interest
- Sideboards for news media requests
- Public Records Advisory Council role

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A public record is any writing with information about the conduct of public business that is prepared, owned, used, or retained by a public body, including every state officer, agency, department, bureau, board, and commission, and every county and city governing body, school district, special district, municipal corporation, or any board, department, commission, council, or agency thereof.

Under Oregon's Public Records Law, "every person" has a right to inspect any nonexempt public record of a public body in Oregon. All public bodies in Oregon must have a written procedure for responding to public records requests and may charge a fee to recover the cost of fulfilling a records request. Fees may be waived or reduced if doing so is in the public interest, which is when providing the record benefits the community or society as a whole instead of benefiting a private entity or person. Current law gives discretion to waive the fee to public bodies.

House Bill 2485 requires state agencies to reduce their public records request fee by 50 percent if the request is in the public interest and to waive the fee completely if the request is in the public interest and is narrowly tailored. The measure applies the same requirements to local and special governmental entities as of January 1, 2022, unless otherwise resolved by the applicable governing body.