



Open Government Impact Statement

81st Oregon Legislative Assembly
2021 Regular Session

Measure: HB 2224

Only impacts on Original or Engrossed
Versions are Considered Official

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Date: 1/29/2021

SUMMARY

Limits amount public body may charge for public employee time for responding to public records request.

Prohibits district attorney from reviewing petitions from persons seeking public records of county or other public body, if county or other public body provides financial support to district attorney or office of district attorney. Directs, in cases where district attorney is prohibited from reviewing petitions seeking disclosures of public record, Attorney General to issue opinion regarding subject of petition.

Authorizes persons seeking disclosure of public records to request binding arbitration in lieu of instituting proceedings for injunctive or declaratory relief in court. Directs Public Records Advocate to appoint arbitrator. Requires advocate to develop and maintain list of interested and qualified persons to conduct arbitrations. Authorizes advocate to adopt rules establishing arbitrator qualifications and arbitration procedural requirements.

Provides that limits on fees, restrictions on certain district attorney reviews of petitions, and option to choose binding arbitration become operative January 1, 2022.

Takes effect on 91st day following adjournment sine die.

OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure limits the amount a public body may charge for public employee time for responding to a public records request to \$25 per hour. The measure also prohibits a district attorney from reviewing petitions from persons seeking public records of a county or other public body, if the county or other public body provides financial support to the district attorney or office of the district attorney. It directs, in cases where the district attorney is prohibited from reviewing a petition, the Attorney General to issue an opinion regarding the subject of the petition.

The measure authorizes persons seeking disclosure of public records to request binding arbitration through an arbitrator appointed by the Public Records Advocate in lieu of instituting proceedings for injunctive or declaratory relief in circuit court. It directs the advocate, after receiving a request for binding arbitration, to appoint an arbitrator from a list maintained by the advocate of interested and qualified persons to conduct arbitrations. Finally, it authorizes the advocate to adopt rules establishing arbitrator qualifications and arbitration procedural requirements.

This measure does not impact public interests in disclosure that would be served if public records were subject to mandatory disclosure.