

Senate Bill 890

Sponsored by Senator THATCHER (at the request of Oregon Sunshine Committee)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Makes changes to the OSC reports including dates and the committee which reviews the reports. (Flesch Readability Score: 61.8)

Disestablishes the subcommittee on public records and changes the committee that reviews the Oregon Sunshine Committee reports to the committees or interim committees of the Legislative Assembly related to the judiciary. Modifies dates the reports from the Oregon Sunshine Committee are due.

A BILL FOR AN ACT

1
2 Relating to the Oregon Sunshine Committee; amending ORS 192.492, 192.499, 192.508, 192.511 and
3 192.513.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 192.492 is amended to read:

6 192.492. The Legislative Counsel shall notify the [*Legislative Counsel Committee*] **committees**
7 **or interim committees of the Legislative Assembly related to the judiciary**, or [*its*] **their**
8 designee, and the Oregon Sunshine Committee if a measure that changes an exemption from disclo-
9 sure for public records or existing standards of disclosure for public records is introduced.

10 **SECTION 2.** ORS 192.499 is amended to read:

11 192.499. [(1) *The Legislative Counsel Committee shall establish a public records subcommittee.*]

12 [(2) *The President of the Senate and the Speaker of the House of Representatives shall appoint to*
13 *the subcommittee four members of the Legislative Assembly from among the members of the committee*
14 *as follows:*]

15 [(a) *The President of the Senate shall appoint:*]

16 [(A) *One member who is a member of the Senate and a member of the majority party; and*]

17 [(B) *One member who is a member of the Senate and a member of the minority party.*]

18 [(b) *The Speaker of the House of Representatives shall appoint:*]

19 [(A) *One member who is a member of the House of Representatives and a member of the majority*
20 *party; and*]

21 [(B) *One member who is a member of the House of Representatives and a member of the minority*
22 *party.*]

23 [(c) *The President of the Senate and the Speaker of the House of Representatives shall each appoint*
24 *a cochair from the members described in paragraphs (a) and (b) of this subsection.*]

25 [(3)] (1) The [*subcommittee*] **committees or interim committees of the Legislative Assembly**
26 **related to the judiciary** shall review and may accept, modify or reject the plan or schedule for
27 review of exemptions from disclosure for public records established by the Oregon Sunshine Com-
28 mittee under ORS 192.511.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 [(4)] (2) The [subcommittee] **committees or interim committees of the Legislative Assembly**
 2 **related to the judiciary** shall review the Oregon Sunshine Committee reports required by ORS
 3 192.511 and may accept, modify or reject the Oregon Sunshine Committee reports as the reports of
 4 the [subcommittee] **committees**. On or before September 1 of each even-numbered year, the [sub-
 5 committee] **committees** shall [submit the subcommittee] **finalize their** report, with the original
 6 Oregon Sunshine Committee report as an appendix[, to the Legislative Counsel Committee].

7 [(5)] (3) The [subcommittee] **committees or interim committees of the Legislative Assembly**
 8 **related to the judiciary** shall cooperate with and invite advice and comment from:

9 (a) The Attorney General;

10 (b) The Governor;

11 (c) The Secretary of State;

12 (d) The State Treasurer;

13 (e) Any committee or task force appointed by the Attorney General, the Governor or the Sec-
 14 retary of State to examine any aspect of ORS 192.311 to 192.478 or of the disclosure of public re-
 15 cords; and

16 (f) The Oregon Sunshine Committee.

17 [(6)] (4) Interested members of the public may provide comment to the [subcommittee] **commit-**
 18 **tees or interim committees of the Legislative Assembly related to the judiciary**.

19 **SECTION 3.** ORS 192.508 is amended to read:

20 192.508. [(1)] The [Legislative Counsel Committee and the public records subcommittee established
 21 under ORS 192.499] **committees or interim committees of the Legislative Assembly related to**
 22 **the judiciary** may adopt rules applicable to deliberations of the [committee and subcommittee] **com-**
 23 **mittees** under ORS 192.485 to 192.513. The rules may enhance the opportunity for public partic-
 24 ipation in the deliberations of the [committee and subcommittee] **committees**, including through the
 25 live-streaming of meetings.

26 [(2) All deliberations of the Legislative Counsel Committee and the public records subcommittee
 27 shall be conducted in accordance with the open meeting requirements of Article IV, section 14, of the
 28 Oregon Constitution, and rules adopted thereunder.]

29 **SECTION 4.** ORS 192.511 is amended to read:

30 192.511. (1) The Oregon Sunshine Committee is established, consisting of 15 members as follows:

31 (a) [The] **Four** members of the [public records subcommittee established under ORS 192.499]
 32 **committees or interim committees of the Legislative Assembly related to the judiciary** shall
 33 be ex officio nonvoting members of the committee. **The chairs of the committees shall appoint:**

34 (A) **Two members from the House of Representatives, one from the majority party and**
 35 **one from the minority party; and**

36 (B) **Two members from the Senate, one from the majority party and one from the mi-**
 37 **nority party.**

38 (b) The Governor and the Attorney General, or their designees, shall be voting members of the
 39 committee.

40 (c) The State Archivist, or a designee of the State Archivist, shall be a voting member of the
 41 committee.

42 (d) The Attorney General shall appoint to the committee as voting members:

43 (A) A person with information technology expertise;

44 (B) Three representatives of local government to represent the interests of counties, cities,
 45 school districts and special districts;

1 (C) A representative of broadcasters;

2 (D) A representative of professional journalists;

3 (E) A representative of newspaper publishers; and

4 (F) A representative from a nonprofit open government or public interest group.

5 (2)(a) The term of each voting committee member appointed by the Attorney General is four
6 years, but a member so appointed serves at the pleasure of the Attorney General.

7 (b) Before the expiration of a term of a member appointed by the Attorney General, the Attorney
8 General shall reappoint the member to a new term or appoint a successor.

9 (c) If there is a vacancy for any cause in a position that is appointed by the Attorney General,
10 the Attorney General shall make an appointment to become immediately effective.

11 (3) The Oregon Sunshine Committee shall do all of the following:

12 (a) Establish, and adjust as necessary, a plan or schedule to review all exemptions from disclo-
13 sure for public records included in the Attorney General's catalog required by ORS 192.340 that
14 provides for review not later than December 31, [2026] **2031**, except that the following exemptions
15 need not be considered:

16 (A) Exemptions required by federal law;

17 (B) Evidentiary privileges described in ORS 40.225 to 40.295, other than the lawyer-client privi-
18 lege described in ORS 40.225;

19 (C) The exemption for trade secrets as described in the public records law, ORS 192.311 to
20 192.478, or the Uniform Trade Secrets Act, ORS 646.461 to 646.475;

21 (D) Security records described in ORS 192.345 (23) or 192.355 (11), (32) or (33);

22 (E) Personal information of certain scientific workers described in ORS 192.345 (30), care
23 workers described in ORS 192.363 and 192.365 or public safety workers or county juvenile depart-
24 ment employees described in ORS 192.345 (31); and

25 (F) Public safety plans described in ORS 192.345 (18).

26 (b) Include in the review required by this subsection any administrative rule for which a review
27 was requested under ORS 183.730.

28 (c) Study and identify any inefficiencies and inconsistencies in the application of public records
29 laws that impede transparency in public process and government.

30 (d) Make recommendations on changes in existing law, policy and practice to enhance trans-
31 parency and facilitate rapid fulfillment of public records requests made to public bodies.

32 (e) On or before [July] **May** 1 of each even-numbered year, submit a report to the [public records
33 subcommittee established under ORS 192.499] **committees or interim committees of the Legisla-**
34 **tive Assembly related to the judiciary** and include in the report the recommendations described
35 in paragraph (d) of this subsection and recommendations to amend or repeal the exemptions from
36 disclosure reviewed by the committee during the period since the last report submitted by the
37 committee under this section.

38 (4) The Oregon Sunshine Committee may take all lawful actions and exercise any lawful powers
39 the committee deems reasonable for facilitating its work, including but not limited to conducting
40 public hearings and creating subcommittees. Any subcommittees created by the committee are sub-
41 ject to the public meetings and public records requirements that apply to the committee.

42 (5) A majority of the voting members of the Oregon Sunshine Committee constitutes a quorum
43 for the transaction of business.

44 (6) Official action by the committee requires the approval of a majority of the voting members
45 of the committee.

1 (7) The committee shall select one of its members to serve as chairperson.

2 (8) The committee shall meet at times and places specified by the call of the chairperson or of
 3 a majority of the voting members of the committee and shall meet at least three times per year.

4 (9) All meetings of the committee must be open to the public. Any public records created by
 5 the committee are subject to disclosure, and any privilege or exemption from disclosure that would
 6 otherwise be applicable may not be claimed.

7 (10) The committee may adopt rules necessary for the operation of the committee.

8 (11) The Department of Justice shall provide administrative support to the committee.

9 (12) Members of the committee who are not members of the Legislative Assembly are not enti-
 10 tled to compensation, but may be reimbursed for actual and necessary travel and other expenses
 11 incurred by them in the performance of their official duties in the manner and amounts provided for
 12 in ORS 292.495. Claims for expenses incurred in performing functions of the committee shall be paid
 13 out of funds appropriated to the Department of Justice for purposes of the committee.

14 (13) All agencies of state government, as defined in ORS 174.111, are directed to assist the
 15 committee in the performance of the committee's duties and, to the extent permitted by laws relating
 16 to confidentiality, to furnish information and advice the members of the committee consider neces-
 17 sary to perform their duties.

18 **SECTION 5.** ORS 192.513 is amended to read:

19 192.513. (1) Pursuant to a plan or schedule for review accepted by the [*public records subcom-*
 20 *mittee of the Legislative Counsel Committee under ORS 192.499*] **committees or interim committees**
 21 **of the Legislative Assembly related to the judiciary**, the Oregon Sunshine Committee may review
 22 exemptions from disclosure of public records previously enacted into law for which an open gov-
 23 ernment impact statement was not prepared.

24 (2) On or before [*July*] **May** 1 of each even-numbered year, the Oregon Sunshine Committee shall
 25 deliver to the [*public records subcommittee*] **committees or interim committees of the Legislative**
 26 **Assembly related to the judiciary** the results of any review performed pursuant to this section.

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