

# DRAFT

## SUMMARY

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,  
3 192.508, 192.511 and 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*  
7 *Committee*] **committees or interim committees of the Legislative As-**  
8 **sembly related to the judiciary**, or [*its*] **their** designee, and the Oregon  
9 Sunshine Committee if a measure that changes an exemption from disclosure  
10 for public records or existing standards of disclosure for public records is  
11 introduced.

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

13 192.499. [(1) *The Legislative Counsel Committee shall establish a public*  
14 *records subcommittee.*]

15 [(2) *The President of the Senate and the Speaker of the House of Repre-*  
16 *sentatives shall appoint to the subcommittee four members of the Legislative*  
17 *Assembly from among the members of the committee as follows:*]

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

**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 [(A) One member who is a member of the Senate and a member of the ma-  
2 jority party; and]

3 [(B) One member who is a member of the Senate and a member of the mi-  
4 nority party.]

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

6 [(A) One member who is a member of the House of Representatives and a  
7 member of the majority party; and]

8 [(B) One member who is a member of the House of Representatives and a  
9 member of the minority party.]

10 [(c) The President of the Senate and the Speaker of the House of Repre-  
11 sentatives shall each appoint a cochair from the members described in para-  
12 graphs (a) and (b) of this subsection.]

13 [(3)] (1) The [subcommittee] **committees or interim committees of the**  
14 **Legislative Assembly related to the judiciary** shall review and may ac-  
15 cept, modify or reject the plan or schedule for review of exemptions from  
16 disclosure for public records established by the Oregon Sunshine Committee  
17 under ORS 192.511.

18 [(4)] (2) The [subcommittee] **committees or interim committees of the**  
19 **Legislative Assembly related to the judiciary** shall review the Oregon  
20 Sunshine Committee reports required by ORS 192.511 and may accept, modify  
21 or reject the Oregon Sunshine Committee reports as the reports of the [sub-  
22 committee] **committees**. On or before September 1 of each even-numbered  
23 year, the [subcommittee] **committees** shall [submit the subcommittee] **finalize**  
24 **their** report, with the original Oregon Sunshine Committee report as an  
25 appendix[, to the Legislative Counsel Committee].

26 [(5)] (3) The [subcommittee] **committees or interim committees of the**  
27 **Legislative Assembly related to the judiciary** shall cooperate with and  
28 invite advice and comment from:

- 29 (a) The Attorney General;  
30 (b) The Governor;  
31 (c) The Secretary of State;

1 (d) The State Treasurer;

2 (e) Any committee or task force appointed by the Attorney General, the  
3 Governor or the Secretary of State to examine any aspect of ORS 192.311 to  
4 192.478 or of the disclosure of public records; and

5 (f) The Oregon Sunshine Committee.

6 [(6)] **(4)** Interested members of the public may provide comment to the  
7 [subcommittee] **committees or interim committees of the Legislative**  
8 **Assembly related to the judiciary.**

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

10 192.508. [(1)] The [*Legislative Counsel Committee and the public records*  
11 *subcommittee established under ORS 192.499*] **committees or interim com-**  
12 **mittees of the Legislative Assembly related to the judiciary** may adopt  
13 rules applicable to deliberations of the [*committee and subcommittee*] **com-**  
14 **mittees** under ORS 192.485 to 192.513. The rules may enhance the opportu-  
15 nity for public participation in the deliberations of the [*committee and*  
16 *subcommittee*] **committees**, including through the live-streaming of meetings.

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

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

22 192.511. (1) The Oregon Sunshine Committee is established, consisting of  
23 15 members as follows:

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

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

30 **(B) Two members from the Senate, one from the majority party and**  
31 **one from the minority party.**

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

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

5 (d) The Attorney General shall appoint to the committee as voting mem-  
6 bers:

7 (A) A person with information technology expertise;

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

10 (C) A representative of broadcasters;

11 (D) A representative of professional journalists;

12 (E) A representative of newspaper publishers; and

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

15 (2)(a) The term of each voting committee member appointed by the At-  
16 torney General is four years, but a member so appointed serves at the  
17 pleasure of the Attorney General.

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

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

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

25 (a) Establish, and adjust as necessary, a plan or schedule to review all  
26 exemptions from disclosure for public records included in the Attorney  
27 General's catalog required by ORS 192.340 that provides for review not later  
28 than December 31, [2026] **2031**, except that the following exemptions need not  
29 be considered:

30 (A) Exemptions required by federal law;

31 (B) Evidentiary privileges described in ORS 40.225 to 40.295, other than

1 the lawyer-client privilege described in ORS 40.225;

2 (C) The exemption for trade secrets as described in the public records law,  
3 ORS 192.311 to 192.478, or the Uniform Trade Secrets Act, ORS 646.461 to  
4 646.475;

5 (D) Security records described in ORS 192.345 (23) or 192.355 (11), (32) or  
6 (33);

7 (E) Personal information of certain scientific workers described in ORS  
8 192.345 (30), care workers described in ORS 192.363 and 192.365 or public  
9 safety workers or county juvenile department employees described in ORS  
10 192.345 (31); and

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

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

14 (c) Study and identify any inefficiencies and inconsistencies in the appli-  
15 cation of public records laws that impede transparency in public process and  
16 government.

17 (d) Make recommendations on changes in existing law, policy and practice  
18 to enhance transparency and facilitate rapid fulfillment of public records  
19 requests made to public bodies.

20 (e) On or before [*July*] **May** 1 of each even-numbered year, submit a report  
21 to the [*public records subcommittee established under ORS 192.499*] **com-**  
22 **mittees or interim committees of the Legislative Assembly related to**  
23 **the judiciary** and include in the report the recommendations described in  
24 paragraph (d) of this subsection and recommendations to amend or repeal the  
25 exemptions from disclosure reviewed by the committee during the period  
26 since the last report submitted by the committee under this section.

27 (4) The Oregon Sunshine Committee may take all lawful actions and ex-  
28 ercise any lawful powers the committee deems reasonable for facilitating its  
29 work, including but not limited to conducting public hearings and creating  
30 subcommittees. Any subcommittees created by the committee are subject to  
31 the public meetings and public records requirements that apply to the com-

1 mittee.

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

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

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

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

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

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

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

18 (12) Members of the committee who are not members of the Legislative  
19 Assembly are not entitled to compensation, but may be reimbursed for actual  
20 and necessary travel and other expenses incurred by them in the performance  
21 of their official duties in the manner and amounts provided for in ORS  
22 292.495. Claims for expenses incurred in performing functions of the com-  
23 mittee shall be paid out of funds appropriated to the Department of Justice  
24 for purposes of the committee.

25 (13) All agencies of state government, as defined in ORS 174.111, are di-  
26 rected to assist the committee in the performance of the committee's duties  
27 and, to the extent permitted by laws relating to confidentiality, to furnish  
28 information and advice the members of the committee consider necessary to  
29 perform their duties.

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

31 192.513. (1) Pursuant to a plan or schedule for review accepted by the

1 *[public records subcommittee of the Legislative Counsel Committee under ORS*  
2 *192.499]* **committees or interim committees of the Legislative Assembly**  
3 **related to the judiciary**, the Oregon Sunshine Committee may review ex-  
4 emptions from disclosure of public records previously enacted into law for  
5 which an open government impact statement was not prepared.

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

10

---