

LEGISLATIVE COUNSEL COMMITTEE	Policy and Administrative Procedure Manual
Section: Administrative, Legal and Publication Services	
Subject: Open Government Impact Statements	Number: 142-110
Approved by: Legislative Counsel Committee	Date: 1-10-18

Purpose: To establish procedures by which the Office of the Legislative Counsel (Legislative Counsel) is to comply with the requirements of ORS 192.488 and 192.492 in producing and distributing open government impact statements.

Policy: For each measure that is introduced in a regular or special session of the Legislative Assembly, Legislative Counsel shall prepare a statement. If, in the opinion of Legislative Counsel, the measure alters existing standards regarding the disclosure of public records or alters public interests in disclosure if the measure would cause a public record to be subject to mandatory disclosure, Legislative Counsel shall prepare a statement for the measure that satisfies the requirements of ORS 192.488 and is substantially similar to Example 1. If, in the opinion of Legislative Counsel, the measure does not alter existing standards regarding the disclosure of public records and does not alter public records that are subject to mandatory disclosure, Legislative Counsel shall prepare a statement for the measure that is substantially similar to Example 2.

Legislative Counsel shall update the statement prepared under this policy whenever a measure is engrossed to reflect the effects of the measure at its most recent level of engrossment.

Legislative Counsel shall cause statements prepared under this policy and updates of those statements to be posted to the Oregon Legislative Information System (OLIS). If directed by the Oregon Sunshine Committee, Legislative Counsel shall no more frequently than daily send electronic copies of statements or updated statements to a single designee of the committee.

Open government impact statements need not be prepared for legislative measures that are not bills.

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Open Government Impact Statement
79th Oregon Legislative Assembly
2017 Regular Session

Measure: SB 481 - A
Only Impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/2/2018

SUMMARY

Defines "business day" for purposes of public records. Establishes time frames for public body responses to public records requests. Requires Attorney General to maintain catalog of public records law exemptions. Provides protections against liability and privilege waivers resulting from public records disclosures. Clarifies appeal procedures for reviews of public records requests.

Open Government Impact

This measure conforms to Legislative Counsel standards for drafting measures that establish exemptions from disclosure of public records.

This measure establishes time frames for responding to public records requests, which will likely result in public records being made available in a shorter period of time. In responding to public records requests, the measure requires public bodies to state any exemptions claimed and then notify requesters of their appeal rights. The measure also relieves public bodies from liability for the improper release of public records, provided the release was done in good faith and not otherwise prohibited by a court order or state or federal law. Finally, the measure clarifies that release of a public record pursuant to a public records request is not a voluntary disclosure for claiming privilege. Together these provisions will likely reduce the frequency at which public bodies claim exemptions from public records disclosure laws.

The open government impact entry describes Legislative Counsel's determinations under ORS 192.488 (2), which provides that "an open government impact statement must:

- (a) State whether the measure conforms to any standards adopted by the Legislative Counsel for drafting measures that establish exemptions from disclosure of public records; and
- (b) Describe how the measure would alter existing standards regarding the disclosure or exemption from disclosure of public records and how the measure would impact public interests in disclosure that would be served if the public record were subject to mandatory disclosure."

The summary is the same as the measure summary at the beginning of the bill. It will be the summary for the corresponding engrossment level that the impact statement is being prepared for, without showing deletions or indicating new text as bold.

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Open Government Impact Statement
79th Oregon Legislative Assembly
2017 Regular Session

Measure: SB 483 - A
Only Impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 1/2/2018

SUMMARY

Creates crime of unlawful use of a global positioning system device. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, or, if person at time of offense has certain previous convictions or is subject of certain court orders, five years' imprisonment, \$125,000 fine, or both.

NOTICE OF NO OPEN GOVERNMENT IMPACT

Example 2