

**House Rules Committee  
SB 481A**

**Testimony Submitted May 20, 2017, for May 23, 2017 Public Hearing & Poss. Work Session**

I support SB 481A. I make this submission (with its included attachment) as an individual and solely on my own behalf.

SB 481A materially advances public interests in disclosure by:

- Establishing a more specific timeline for the timeliness of responses to public records requests. Section 3.
- Creating a statutory framework for substantive interaction between requesters and public bodies about the scope of requests. Section 4 (4).
- Requiring the Attorney General to compile a list (“catalog”) of exemptions. Section 7.
- Encouraging the discretionary release of records by safeguarding the public body’s lawyer-client privilege as to the released records. Section 8(2) and Section 9.
- Encouraging the discretionary release of records by protecting public bodies against potential civil liability. Section 8(1).

SB 481A (introduced at the request of Attorney General Rosenblum) is one of three measures collectively representing the best chance in decades of improving on nearly fifty years of success in open governance. The others are SB 106A (introduced at the request of Governor Brown) and HB 2101 (Sponsored by Rep. Huffman). SB 481A is fully compatible with both of the other measures. I hope that the Rules Committee will pass an amended version of HB 2101 in the near future and that the Ways and Means Committee likewise will soon pass SB 106A.

In addition to these bills, on May 12, 2017, Secretary of State Richardson announced a rule-based public records initiative. Some have reportedly suggested that parts, or all, of one or more of the triumvirate of public records reform bills have been rendered unnecessary by the Secretary’s initiative. I respectfully disagree. For the reasons explained in the attachment, the rule-based initiative is not the same as any of the three bills. The pendency of the proposed rule should not delay legislative action on any of the three measures.

I’m pleased that the Committee has set SB 481A for hearing and possible work session. I urge the Committee to approve the bill and report it with a “do-pass” recommendation.

Respectfully submitted:

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