

Senate passes public records deadline bill

By PARIS ACHEN Capital Bureau

SALEM — The Oregon Senate has passed a bill to set a deadline for public bodies to respond to public records requests.

If passed by the House, the deadline would set a precedent in Oregon, where government entities effectively have an unlimited time to respond to requests.

“This is a transparency and government accountability bill that puts a timeframe on how quickly government agencies have to respond to public records requests,” said Sen. Lee Beyer, D-Springfield.

The legislations also can help prevent “the tactic of sitting on public records requests for a long period of time to avoid

disclosing something,” Beyer said.

Senate Bill 481, a product of a task force convened by Attorney General Ellen Rosenblum, passed by a 29-to-0 vote.

The bill requires public bodies to respond to requests within five days and furnish public records within at least 10 days, or provide a written statement explaining when the request will be fulfilled.

The legislation also charges the Attorney General’s Office with cataloging the state’s more than 500 exemptions to the public records law, so it can be searched by the public.

“During more than a year of task force meetings and listening sessions with journalists, advocates, and the public we heard loud and clear that our public records laws are in need of reform. This bill addresses the issue of lack of timely access to records and begins to address the confusion created by 40 years of piecemeal exemptions to laws

originally intended to promote transparency,” Rosenblum said in a statement Tuesday.

Vague language in existing law puts no enforceable deadline on public bodies to disclose records. Under the bill, if an agency fails to respond by the deadline, it is considered a denial, and the requestor may appeal the denial to the Attorney General’s Office.

The law states such government entities must respond to requests “as soon as practicable without unreasonable delay.”

Administrative changes ordered by Gov. Kate Brown require agencies to have a written protocol for those seeking to access records. Public bodies may set a fee for staff time and materials to furnish the records. The Department of Administrative Services, under the governor’s order, also has developed a uniform fee schedule for those documents.

The attorney general’s task force on public records

reform met for about 14 months. The task force has recommended simplifying and reducing Oregon’s some 500 public records exemptions, but decided to postpone legislation on that effort to ensure a public records deadline could pass both chambers. House Bill 2101, which is pending in the House Rules Committee, would establish a new committee to start on that work.

Another bill, proposed by Brown, would create a public records advocate to educate and resolve conflicts over records requests.

Each session, lawmakers propose new exemptions. This year, for instance, Secretary of State Dennis Richardson has proposed legislation to add new exemptions for the Office of Small Business Assistance. Rep. Phil Barnhart, D-Eugene, proposed a bill to exempt lawmakers’ mailing lists from disclosure to anyone but other political candidates.

Bill would eliminate a dozen obsolete boards, commissions

By CLAIRE WITHYCOMBE and PARIS ACHEN Capital Bureau

SALEM — A bill in the Oregon Legislature would do away with a dozen obsolete state boards and commissions, ranging from the Baseball Advisory Committee to the Task Force on Military Families.

According to a list compiled by the Legislative Policy and Research Office last year, the state has more than 250 boards and commissions, some of which venture deep into bureaucratic esoterica, such as the Board of Denture Technology and the Board of Electrologists and Body Art Practitioners.

These entities serve varying purposes — some regulate professions and in so doing play a role in public health; others make policy recommendations.

There is sometimes no distinction between a board, commission, committee or task force. For instance, a commission may oversee a state agency or a particular industry. Generally, task forces are used to address a particular issue on a temporary basis, while boards, commissions and committees usually function regularly.

Sen. Chuck Riley, D-Hillsboro, chair of the Senate

Committee on General Government and Accountability, said his committee sought to make a list of commissions and boards that hadn’t met recently.

“That’s the kind of thing I’m interested in, making the government as transparent as possible, get rid of things that aren’t needed, or don’t make any sense,” Riley said in a phone interview Monday. “And this was a good place to start.”

The Legislative Policy and Research Office found 46 boards, commissions and task forces that “showed no evidence of activity” in the past year. The list was whittled down as officials learned some bodies were required by federal law, others only met intermittently by design, and others still after legislative counsel found some needed to be kept to “honor the formalities of interstate compact language.”

Lawmakers on the Senate General Government and Accountability Committee discussed culling the collection of boards and commissions at a meeting Dec. 13.

“Honestly, governors have been trying to whittle down the list for many years, and have not done so because the Legislature hasn’t helped,” Riley said. “And I wasn’t asked

by the governor to do this, but I think she’ll be pleased.”

Sen. Elizabeth Steiner Hayward, D-Beaverton, said at the time she felt that the list of proposed reductions didn’t go far enough.

“I would certainly be supportive of starting to take a hard look at other boards and commissions about, even the ones that are meeting, about what they are actually contributing and how much the state is paying for their existence,” she said.

The list compiled by the policy and research office did not include the state’s agricultural commodity commissions.

The trend of using boards and commission to make policy dates back to the 1880s in the United States, when civil service inspired a desire to involve the public and those affected by policies in the process of policymaking, said Jim Moore, political science professor at Pacific University and director of the Tom McCall Center for Policy Innovation.

Some of the boards arose out of a new need for regulations, such as the creation of the aeronautics board in response to the invention of the airplane. Others stem from requests from professionals who want to be

regulated by the state, Moore said.

“It is a good way to say you’re shrinking the size of government without shrinking the size of government,” Moore said.

Illustrating that point, the eliminations identified will have no impact on the state budget.

After an amendment to the legislation, the following 12 boards and commissions would be eliminated:

- The Baseball Advisory Committee;
• The Board of Directors for the Oregon School for the Deaf;
• The Committee on Performance Excellence;
• The Governor’s Council on Oregon’s Economy;
• The Military Council;
• The Natural Resources Policy Administrator;
• The Oregon Progress Board;
• The Outdoor Youth Program Advisory Board;
• The Public Officials Compensation Commission;
• The Special Legislative Committee on Public Education Appropriation;
• The Task Force on Military Families;
• The Western States Legislative Forestry Task Force.

BRIEFLY

Woman found dead from apparent gunshot in woods

CORVALLIS (AP) — Authorities are investigating the death of a woman whose body was found in an Oregon forest.

The Benton County Sheriff’s Office says the unidentified body is that of a woman in her 20s, and it was discovered Monday night by someone from a timber company outside the town of Alesia.

Benton County Sheriff Scott Jackson told the Corvallis Gazette-Times the death appears to be from a gunshot wound, but an autopsy will be performed. Investigators have yet to estimate how long the body had been in the woods before it was discovered.

Man sentenced for throwing Molotov cocktail at crowd

PORTLAND (AP) — A man has been sentenced to three years of probation and anger management for throwing a Molotov cocktail at a crowd of Trump protesters in Portland.

The Oregonian/OregonLive reported Tuesday that 27-year-old Christopher Joseph Gourneau threw the flaming device toward a crowd of 30 to 40 people in November.

A witness says the device sailed 5 feet above Gourneau’s head before landing on the ground without injuring anybody.

Another witness had told police that Gourneau had been acting irrationally and hid the device under his shirt.

Police reports show officers were not in the area but did see a small group of people chasing him.

Gourneau pleaded guilty as part of a plea deal to attempted second-degree assault and unlawful possession of a destructive device.

Oregon sheriff’s sergeant cleared in traffic stop shooting

PORTLAND (AP) — A grand jury has cleared a Marion County sheriff’s sergeant of wrongdoing after he shot at a man who injured him during a traffic stop.

The Oregonian/OregonLive reports the grand jury determined Monday that Sgt. Jason Hickam was justified in firing his weapon toward Juan Francisco Martinez on April 7 near Woodburn.

Martinez was not injured and was arrested later that day.

Prosecutors say Hickam pulled Martinez over and told him his Cadillac Escalade would have to be towed because he didn’t have insurance.

They say Martinez began to drive away as Hickam’s arm was caught inside the SUV.

Hickam fired once toward the vehicle before being thrown to the ground. He was treated at a hospital and released.

Martinez faces several charges, including assaulting a public safety officer.

Corrections

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