

OPINION

VOICE of the CHIEFTAIN

Oregon public records law needs a disclaimer

Oregon's public records law should come with a disclaimer. It should be like one of those car ads on the radio where after you hear about the deal, the announcer goes rapid fire through all the conditions that can make you wonder how good a deal it really is.

That's because Oregon law discriminates against people on access to public records.

If you are rich or have a rich backer, the fees for getting access to public records are no problem. If you are not rich or work for a company that makes slim profits or no profits, Oregon's law essentially says you are not worthy of the same level of access to records that are purportedly public.

Oregon's Public Records Advisory Council is developing legislation aimed at improving the equality of access.

Children get public education in Oregon, no matter what their socio-economic status. You get to check books out of the public library, no matter what your socio-economic status. Even the Bend Park & Recreation District tries to ensure everyone can participate in its programs with grants and scholarships.

But access to public records, that is based on your ability to pay. Of course, a lot of things are like that. It's hard for most people to find the time and money to pay a lot of attention to what's going on in local, state or national government and try to influence it. Being rich helps. Being poor certainly does not.

A police report. Details about new development in your neighborhood. Plans for trails along the river. Those are all things the public has a right to. All those things are usually pretty easy to get and at low or no cost.

What if you want records that show the negotiations with a big-tech company over how much water it will use in its new plant in Hood River? What if you want all the records that show how the police interacted leading up to a protest at Pilot Butte? What if you are worried your government is doing something it shouldn't? Do you think getting access to those records would be easy or cheap? Most likely not. People with money would be able to at least try. The barrier of fees would stop some from even trying.

Oregon's Public Records Advisory Council has been holding meetings and listening to testimony about this issue for months. Last week, it talked about what possible legislation might say.

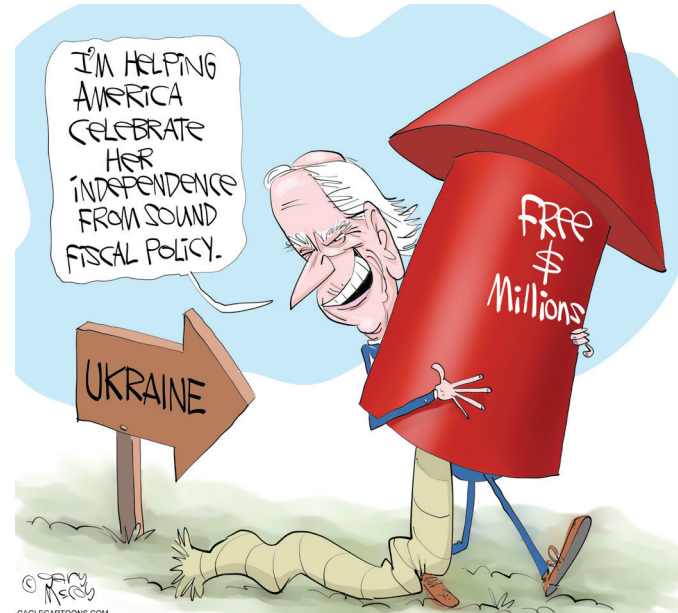
One big change: Requester tiers. The type of requester would change what could be charged. Commercial interests would have to pay for the actual cost of any searching, duplication and review of documents. Media and public interest organizations, educational and noncommercial scientific organizations would only have to pay for duplication. Anyone else, including members of the general public, would have to pay for search and duplication.

One additional requirement that is being considered is no fees for a requester's own files or records. Another is that fees would be waived or reduced by at least 25% if the requester is a member of the media and the request is made in the public interest. There's much more to the proposal than we have listed. You can see a draft in very preliminary form here, tinyurl.com/PRACchanges.

A clear outcome of such changes is that costs of public records would shift from individual members of the public seeking information to government, which of course, is funded by the public as a whole. It may also increase demand for records because requesters would not have to pay as much. That may increase the burden on government staff with more requests. But if they are public records, shouldn't the law ensure all the members of the public has reasonable access to them?

You can see more about the Public Records Advisory Council here, tinyurl.com/ORprac.

Bill Day FloridaPolitics.com
CagleCartoons.com



Will Oregonians support a more aggressive approach to reduce gun violence?

OTHER VIEWS

Tim Nesbitt



Oregon's latest citizen-led effort to keep guns out of dangerous hands has become a go-to campaign in the wake of the rapid-fire slaughters of innocents in Buffalo, New York, and Uvalde, Texas. Hundreds of Oregonians have reportedly taken to the streets with clipboards in hand to qualify Initiative Petition 17, titled the Reduction of Gun Violence Act, for the November ballot.

If this signature gathering effort succeeds, it will be due to an impressive volunteer effort rarely seen in initiative campaigns in recent decades – and one that will shift the debate over gun safety in an ambitious, new direction in Oregon. Instead of focusing on marginal reforms to reduce gun violence, such as setting 21 as the minimum age for purchasing firearms, IP 17 proposes a systemic approach that would require individuals to secure government-issued permits to purchase or acquire guns in the future.

But questions abound. Is this a bridge too far for most Oregonians? And, even if the voters decide to cross this bridge, how will the measure fare in judicial territory made more hostile to such reforms by the U.S. Supreme Court's recent Bruen decision?

Until now, even modest limitations on access to guns, such as Oregon's red flag law, have been hard won in the state Legislature. This despite polls that show majority support for tough-

ening gun laws among Oregonians.

A recent survey by the Oregon Values and Beliefs Center, conducted just weeks after the Uvalde school shooting, found that a majority of Oregonians thinks that "gun laws should be more strict than they are today" at the national level (59%) and here in Oregon (56%). These generic findings are similar to those that the Pew Center reports for Americans nationwide.

So, perhaps it's not surprising that Oregon's gun control regime places us in the middle of the pack – not as tough as many blue states, but not as extreme as many red states that have removed restrictions on the open and concealed carry of firearms.

But is there now an opening for more gun controls in Oregon? Almost certainly yes, over time and step by step. But probably not via a single, expansive ballot measure. It's hard to prevail in a contested campaign when just 56% of the people are on your side to begin with and vary widely in their opinions about what constitutes reasonable reforms.

Still, I think the best case for supporters of IP 17 is to point out that it is a logical extension of background checks. If background checks make sense to keep guns out of dangerous hands, then why not let one background check serve to authorize gun purchases for up to five years at a time for individuals who pass muster in the first instance. That initial authorization then becomes a permit for future purchases.

Yes, but the criteria for the permits proposed in IP 17 are more elaborate – photo IDs, completion of approved gun safety training and longer waiting periods. All of these make sense to me as a gun owner, but I'm not sure they'd make the list of "common sense solutions" for most Oregonians.

Programs like these are on the books

in a dozen states, including the century-old New York law that was just upended by the U.S. Supreme Court. But most of these laws were enacted in earlier, in less polarized times and in states with electorates more open to the regulation of guns. So, I'm worried that the surge of support for IP 17 in Oregon will prove to be more wishful than wise.

On the legal front, we can expect that the recent Supreme Court decision will be exploited by the measure's opponents. But that decision may not affect IP 17, which proposes a framework for issuing permits that is less subjective than what the court found objectionable in the New York case. The post-Bruen landscape is not as difficult to navigate for reformers as many first feared. Also, just to be safe, IP 17 provides that if any of its many provisions are invalidated in the courts, its other provisions shall remain in effect.

Among those other provisions is a separate section that bans the sale of high-capacity magazines. This is a reform that appears closer to what most who favor tougher gun laws would call a "common sense solution." But its fate is tied to the measure's more expansive permitting system.

The Reduction of Gun Violence Act is compelling in its title but may be too ambitious in its scope. Its goals are laudable, but its passage is far from certain. And the crosscurrents it creates in partisan elections for the Legislature and the governor may further polarize the electorate on this issue in November.

Tim Nesbitt, a former union leader in Oregon, served as an adviser to Governors Ted Kulongoski and John Kitzhaber and later helped to design Measure 98 in 2016, which provided extra, targeted funding for Oregon's high schools.