

**CITY OF CORVALLIS
CITY LEGISLATIVE COMMITTEE MINUTES
April 28, 2015**

I. CALL TO ORDER

The City Legislative Committee meeting was called to order by Mayor Traber at 3:00 pm on April 28, 2015 in the City Manager's Conference Room, 501 SW Madison Avenue, Corvallis, Oregon.

Present: Mayor Traber; Councilors Brauner, Glassmire, Hogg; City Manager Brewer

Visitors: Debra Higbee-Sudyka, Clark Stevenson

II. CARBON PRICING RESOLUTION

The Committee considered the draft Carbon Pricing Resolution (Attachment A). Ms. Higbee-Sudyka commented that there was no clause that indicated who the resolution would be sent to.

Councilor Hogg recommended striking four paragraphs, including the 6th, 7th, and 8th WHEREAS statements and the second RESOLVED statement. He said the paragraphs were too specific and not supported by the Portland State University Northwest Economic Research Center (NERC) study.

Councilor Brauner stated he was okay with taking out the four paragraphs, but suggested adding a statement at the end that the resolution would be forwarded to Oregon legislative and Congressional representatives.

Mayor Traber stated he would keep the 6th paragraph, but it needed some editing. Councilor Glassmire also suggested some minor edits. The Committee members edited the Resolution as indicated in Attachment B.

Councilors Brauner and Hogg, respectively, moved and seconded to forward the amended Resolution to the City Council for approval (Attachment C).

The motion passed unanimously.

III. PUBLIC RECORDS RETENTION (HB 3505)

The Committee discussed House Bill 3505 regarding public records. The League of Oregon Cities does not support the bill due to the requirement to respond to records requests within a specific time frame and with costs identified in the bill. The Committee members also discussed the requirements for maintaining social media postings and potential costs associated with maintaining that information on the City's servers. The Committee members agreed that the City should support the League of Oregon Cities position on this bill.

The meeting was adjourned at 3:50 pm.

RESOLUTION 2015 - _____

A RESOLUTION THAT ENCOURAGES THE STATE OF OREGON TO ADOPT POLICIES ASSOCIATED WITH CARBON PRICING.

Minutes of the May 4, 2015, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the Corvallis City Council has adopted a goal to develop and implement a local climate action plan because the City Council recognizes that people need to act to stop climate change; and

WHEREAS, the Corvallis City Council understands that residents of Corvallis, acting as a single community by itself, cannot alter the current course of climate change, but acting as one community of thousands Corvallis residents can have an impact far beyond the community's borders; and

WHEREAS, the Corvallis City Council is compelled by the scientific consensus that carbon dioxide emissions from human activities are the primary cause of global climate change which means that human actions can stop the effects of climate change; and

WHEREAS, the Corvallis City Council finds that climate change is already having an impact in Oregon and threatens public health, natural resources, national security, food security, and business supply chains into the future; and

WHEREAS, the Corvallis City Council understands that the costs of climate change to society are currently passed onto the community instead of being borne by the emitters of carbon dioxide; and

WHEREAS, the Corvallis City Council believes that requiring polluters to pay for the costs of their carbon emissions will discourage consumption of fossil fuels and encourage innovation to develop more energy alternatives; and

WHEREAS, the Corvallis City Council finds that Portland State University's Northwest Economic Research Center December 2014 report to the legislature on the feasibility of a fee or tax on greenhouse gas emissions concludes that imposing a price on carbon within the State of Oregon would have relatively small impacts on the economy, but would significantly reduce greenhouse gas emissions; and

WHEREAS, the Corvallis City Council appreciates that a price on carbon – either in the form of a carbon tax or a cap and traded permits - by itself would likely be regressive, and as a result, would want a price on carbon to be coupled with a provision to alleviate the burden on low-income households.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES TO encourage the Oregon Legislature and the United States Congress to craft legislation to price carbon – whether in the form of a carbon tax or a cap and traded permitting system – using the best available research to ensure a policy that significantly reduces emissions while mitigating impacts on low-income people; and

BE IT FURTHER RESOLED that the Oregon Legislature and United Stated Congress should establish price levels that will lead to carbon emission reductions that adequately address the climate crisis, according to the most credible climatological and economic research; and

BE IT FURTHER RESOLVED that the Corvallis City Council encourages other communities to join them in this request for Oregon and the United States to recognize and address the global problems of carbon dioxide emissions.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2015 - _____

A RESOLUTION SUPPORTING A THAT ENCOURAGES THE STATE OF OREGON TO ADOPT POLICIES ASSOCIATED WITH CARBON PRICING POLICY FOR THE STATE OF OREGON AND THE UNITED STATES.

Minutes of the May 4, 2015, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the Corvallis City Council has adopted a goal to develop and implement a local climate action plan because the City Council recognizes that people need to act to ~~stop~~ mitigate climate change; and

WHEREAS, the Corvallis City Council understands that residents of Corvallis, acting as a single community by itself, cannot alter the current course of climate change, but acting as one community of thousands Corvallis residents can have an impact far beyond ~~the~~ our community's borders; and

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WHEREAS, the Corvallis City Council understands that the costs of climate change to society are currently passed onto ~~the~~ our community instead of being borne by the emitters of carbon dioxide; and

WHEREAS, the Corvallis City Council believes that requiring ~~polluters~~ users to pay for the costs of their carbon emissions will provide disincentives to discourage consumption of fossil fuels and provide incentives encourage innovation to develop and implement sustainable more energy alternatives; and

~~WHEREAS, the Corvallis City Council finds that Portland State University's Northwest Economic Research Center December 2014 report to the legislature on the feasibility of a fee or tax on greenhouse gas emissions concludes that imposing a price on carbon within the State of Oregon would have relatively small impacts on the economy, but would significantly reduce greenhouse gas emissions; and~~

WHEREAS, the Corvallis City Council appreciates that a price on carbon – either in the form of a carbon tax or a cap and traded permits - by itself would likely be regressive, and as a result, would want a price on carbon to be coupled with a

provision to alleviate the burden on low-income households and to minimize negative impacts on total state employment.

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BE IT FURTHER RESOLVED that the Corvallis City Council encourages other communities to join them in this request for Oregon and the United States to recognize and address the global problems of carbon dioxide emissions; and-

BE IT FURTHER RESOLVED that the Corvallis City Council will send this resolution to the Oregon Legislature and to Oregon's Congressional representatives.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2015 - _____

A RESOLUTION SUPPORTING A CARBON PRICING POLICY FOR THE STATE OF OREGON AND THE UNITED STATES.

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WHEREAS, the Corvallis City Council believes that requiring users to pay for the costs of their carbon emissions will provide disincentives to consumption of fossil fuels and provide incentives to develop and implement sustainable energy alternatives; and

WHEREAS, the Corvallis City Council appreciates that a price on carbon – either in the form of a carbon tax or cap and traded permits - by itself would likely be regressive, and as a result, would want a price on carbon to be coupled with a provision to alleviate the burden on low-income households and to minimize negative impacts on total state employment.

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BE IT FURTHER RESOLVED that the Corvallis City Council encourages other communities to join them in this request for Oregon and the United States to recognize and address the global problems of carbon dioxide emissions; and

BE IT FURTHER RESOLVED that the Corvallis City Council will send this resolution to the Oregon Legislature and to Oregon's Congressional representatives.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

April 14, 2015



House Committee on Rules
Oregon State Capitol Building
900 Court Street NE
Salem, Oregon 97301

Re: House Bill 3505 (HB3505)

To the Honorable Chair Hoyle and Members of the House Committee on Rules,

I am submitting the following comments on behalf of the Oregon Association of Municipal Recordors Records Management Committee. HB3505 would apply to all cities in Oregon, and its adoption brings with it a potential burden for many. My experience with municipal records officers has shown them to be a dedicated group of individuals who strive to comply with the current Public Records Laws and to act responsibly. I'm not sure what problem the passage of HB3505 would solve, and I feel these changes would be onerous for some. Most requests are filled immediately, and in lieu of that, an immediate response is sent to the requestor. In Milwaukie, for example, staff provides a written response to written requests, typically submitted online, within 5 days of receipt. The requestor is informed of the estimated length of time to fill the request and associated costs if any. The records officer may also seek clarification of the request to help narrow the search.

Oregon has many small cities that may have limited staff. Records officers often have a wide variety of responsibilities, all with their own time compliance requirements. By requiring certain time limits for responses to records requests, the staffer may have to make a decision on the least impactful of consequences – researching/fulfilling an extensive records request or letting other job duties, like a City Council agenda packet, meeting minutes, or election filings, slip. Based on my experience, it is difficult to imagine city records officers not making a good faith effort to complete or respond to a request within a reasonable period of time and doing so at the least possible expense to the requestor.

Most cities have adopted a master fee schedule in which billable hours and copying costs are included. Often requestors are not charged unless a significant amount of research is required. Many requests are filled electronically making it unnecessary to make copies or to incur postage costs. HB3505 further seems to take the position that it is easy to retrieve records in a digital age. That is applicable if one had entirely digital records that are well organized, and it is not financially feasible for cities to make that leap to the digital age. Both large and small municipalities still maintain a hybrid mix of paper and digital records.

After an extensive review process by the Oregon Association of Municipal Recordors Records Management Committee with expert guidance from State Archivist Mary Beth Herkert, the revised City Retention Schedule was adopted less than a year ago. I do not see the benefit of adding another year's retention when people have scaled their records management programs to the recently adopted schedule. Those of us who signed service

agreements with the Secretary of State's Office for electronic records management would have to go through yet another modification to our processes.

The proposed amendment seems like an over-reaction to an incident that would have occurred no matter what the retention period was. Cities may not have the storage capability for an expanded retention schedule; a minimum of 3 years retention for a desk calendar, for example seems unrealistic. These currently have a one-year retention; by requiring cities to keep an additional two years' worth will add to ongoing storage costs in any medium.

For many practical reasons, the proposed amendment is neither sustainable nor equitable for a significant number of Oregon cities.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Pat DuVal". The signature is written in a cursive, slightly slanted style.

Pat DuVal, CMC/CRM
City Recorder, City of Milwaukie
Chair, Records Management Committee
Oregon Association of Municipal Recorders

House Bill 3505

Sponsored by Representatives PARRISH, BUEHLER, HACK; Representative DAVIS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires public bodies to establish public records retention schedules that require minimum three-year retention of public records.

Modifies definition of "state agency" for public records law purposes.

Requires public bodies to respond to public records request within seven days of request and at seven-day intervals thereafter until complete disposition of request. Waives fees public body would have received if complete disposition of request has not been made within three weeks of request and treats request as denied if complete disposition has not been made within six weeks of request.

Establishes alternative method for determining fees public bodies may charge public records requesters. Requires public body to charge lesser of fee determined under existing law or under alternative method.

Requires public body that creates or retains public records on social media, that sends public record through text messaging or that sends public records using electronic mail addresses, domain of which is not owned by public body, to store copies of records on storage equipment owned or operated by public body within 30 days of creation or retention of record. Authorizes Attorney General to impose civil penalties for violation of storage requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public records; creating new provisions; amending ORS 147.421, 192.108, 192.410, 192.440
3 and 802.183; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 192.108 is amended to read:

6 192.108. (1) Each state agency or political subdivision, **including the Legislative Assembly,**
7 shall maintain a public record or accurate copy of a public record in accordance with a retention
8 schedule authorized under ORS 192.018 or 192.105, without regard to the technology or medium used
9 to create or communicate the record.

10 **(2) Any retention schedule adopted by a state agency or political subdivision, including**
11 **the Legislative Assembly, shall require the retention of public records for a minimum of**
12 **three years.**

13 **SECTION 2.** ORS 192.410 is amended to read:

14 192.410. As used in ORS 192.410 to 192.505:

15 (1) "Custodian" means:

16 (a) The person described in ORS 7.110 for purposes of court records; or

17 (b) A public body mandated, directly or indirectly, to create, maintain, care for or control a
18 public record. "Custodian" does not include a public body that has custody of a public record as
19 an agent of another public body that is the custodian unless the public record is not otherwise
20 available.

21 (2) "Person" includes any natural person, corporation, partnership, firm, association or member
22 or committee of the Legislative Assembly.

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 (3) "Public body" includes every state officer, agency, department, division, bureau, board and
 2 commission; every county and city governing body, school district, special district, municipal cor-
 3 poration, and any board, department, commission, council, or agency thereof; and any other public
 4 agency of this state.

5 (4)(a) "Public record" includes any writing that contains information relating to the conduct of
 6 the public's business, including but not limited to court records, mortgages, and deed records, pre-
 7 pared, owned, used or retained by a public body regardless of physical form or characteristics.

8 (b) "Public record" does not include any writing that does not relate to the conduct of the
 9 public's business and that is contained on a privately owned computer.

10 (5) "State agency" means any state officer, department, board, commission or court created by
 11 the Constitution or statutes of this state [*but does not include the Legislative Assembly or its mem-*
 12 *bers, committees, officers or employees insofar as they are exempt under section 9, Article IV of the*
 13 *Oregon Constitution*].

14 (6) "Writing" means handwriting, typewriting, printing, photographing and every means of re-
 15 cording, including letters, words, pictures, sounds, or symbols, or combination thereof, and all pa-
 16 pers, maps, files, facsimiles or electronic recordings.

17 **SECTION 3.** ORS 192.440 is amended to read:

18 192.440. (1) The custodian of any public record that a person has a right to inspect shall give
 19 the person, upon request:

20 (a) A copy of the public record if the public record is of a nature permitting copying; or

21 (b) A reasonable opportunity to inspect or copy the public record.

22 (2) If a person makes a written request to inspect a public record or to receive a copy of a
 23 public record, the public body receiving the request shall respond as soon as practicable and without
 24 unreasonable delay. The public body may request additional information or clarification from the
 25 requester for the purpose of expediting the public body's response to the request. **The public body**
 26 **must, however, respond within seven days of the initial receipt of the request.** The response
 27 of the public body must acknowledge receipt of the request and must include one of the following:

28 (a) A statement that the public body does not possess, or is not the custodian of, the public re-
 29 cord.

30 (b) Copies of all requested public records for which the public body does not claim an exemption
 31 from disclosure under ORS 192.410 to 192.505.

32 (c) A statement that the public body is the custodian of at least some of the requested public
 33 records, an estimate of the time the public body requires before the public records may be inspected
 34 or copies of the records will be provided and an estimate of the fees that the requester must pay
 35 under subsection [(4)] (6) of this section **and section 4 of this 2015 Act** as a condition of receiving
 36 the public records.

37 (d) A statement that the public body is the custodian of at least some of the requested public
 38 records and that an estimate of the time and fees for disclosure of the public records will be pro-
 39 vided by the public body within a reasonable time.

40 (e) A statement that the public body is uncertain whether the public body possesses the public
 41 record and that the public body will search for the record and make an appropriate response as soon
 42 as practicable.

43 (f) A statement that state or federal law prohibits the public body from acknowledging whether
 44 the record exists or that acknowledging whether the record exists would result in the loss of federal
 45 benefits or other sanction. A statement under this paragraph must include a citation to the state

1 or federal law relied upon by the public body.

2 **(3) If the response provided by the public body under paragraph (b) of this subsection**
 3 **does not constitute a complete disposition of the request, the public body shall thereafter**
 4 **provide a written response each seven-day period thereafter, until a complete disposition of**
 5 **the request has been made, that:**

6 **(a) Explains the activities of the public body, with regard to the request, in the inter-**
 7 **vening period since the last written statement the public body gave the requester; and**

8 **(b)(A) Provides the requested public records to the requester or affords the requester an**
 9 **opportunity to inspect all or a portion of the requested public records; or**

10 **(B) Sets forth with particularity each exemption from disclosure the public body is**
 11 **claiming with respect to records that are the subject of the request.**

12 **(4) Notwithstanding subsection (3) of this section, if the public body has not provided**
 13 **copies of all public records sought by a requester, permitted the requester to inspect all**
 14 **public records sought by the requester or claimed exemption from disclosure with respect**
 15 **to all records sought by the requester, or some combination of disclosure and exemption with**
 16 **respect to all records sought by the requester:**

17 **(a) Within three weeks after the date the request was made, all fees that the public body**
 18 **would be entitled to charge under subsection (6) of this section and section 4 of this 2015 Act**
 19 **are waived; and**

20 **(b) Within six weeks after the date the request was made, the failure of the public body**
 21 **to achieve a complete disposition of the request shall be treated as a denial of the request**
 22 **for purposes of ORS 192.450, 192.460 or 192.480.**

23 *[(3)] (5) If the public record is maintained in a machine readable or electronic form, the custo-*
 24 *dian shall provide a copy of the public record in the form requested, if available. If the public record*
 25 *is not available in the form requested, the custodian shall make the public record available in the*
 26 *form in which the custodian maintains the public record.*

27 *[(4)(a)] (6)(a) **The public body may establish fees as prescribed in section 4 of this 2015 Act.***
 28 *[The public body may establish fees reasonably calculated to reimburse the public body for the public*
 29 *body's actual cost of making public records available, including costs for summarizing, compiling or*
 30 *tailoring the public records, either in organization or media, to meet the person's request.]*

31 *[(b) The public body may include in a fee established under paragraph (a) of this subsection the*
 32 *cost of time spent by an attorney for the public body in reviewing the public records, redacting material*
 33 *from the public records or segregating the public records into exempt and nonexempt records. The*
 34 *public body may not include in a fee established under paragraph (a) of this subsection the cost of time*
 35 *spent by an attorney for the public body in determining the application of the provisions of ORS*
 36 *192.410 to 192.505.]*

37 *[(c) The public body may not establish a fee greater than \$25 under this section unless the public*
 38 *body first provides the requestor with a written notification of the estimated amount of the fee and the*
 39 *requestor confirms that the requestor wants the public body to proceed with making the public record*
 40 *available.]*

41 *[(d)] (b) [Notwithstanding paragraphs (a) to (c) of this subsection,] **Notwithstanding section 4***
 42 ***of this 2015 Act,** when the public records are those filed with the Secretary of State under ORS*
 43 *chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the*
 44 *public records are those established by the Secretary of State by rule, under ORS chapter 79 or ORS*
 45 *80.100 to 80.130.*

1 [(5)] (7) The custodian of any public record may furnish copies without charge or at a substan-
 2 tially reduced fee if the custodian determines that the waiver or reduction of fees is in the public
 3 interest because making the record available primarily benefits the general public.

4 [(6)] (8) A person who believes that there has been an unreasonable denial of a fee waiver or
 5 fee reduction may petition the Attorney General or the district attorney in the same manner as a
 6 person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The
 7 Attorney General, the district attorney and the court have the same authority in instances when a
 8 fee waiver or reduction is denied as it has when inspection of a public record is denied.

9 [(7)] (9) A public body shall make available to the public a written procedure for making public
 10 record requests that includes:

11 (a) The name of one or more persons to whom public record requests may be sent, with ad-
 12 dresses; and

13 (b) The amounts of and the manner of calculating fees that the public body charges for re-
 14 sponding to requests for public records.

15 [(8)] (10) This section does not apply to signatures of individuals submitted under ORS chapter
 16 247 for purposes of registering to vote as provided in ORS 247.973.

17 **SECTION 4. (1) A public body may establish and impose fees for providing copies of public**
 18 **records, or for making public records available for inspection, in response to a person's re-**
 19 **quest.**

20 (2) Fees established and imposed under this section may not exceed the lesser of:

21 (a)(A) Five cents per page for physical copies of public records or per standard page-size
 22 of electronic records that are capable of being reproduced without electronic reformatting;

23 (B) Fifty cents per photograph reproduced on photographic paper;

24 (C) Twenty-five cents per minute of audio or video recording;

25 (D) One cent per kilobyte of electronic records not otherwise described in subparagraphs
 26 (A) to (C) of this paragraph; or

27 (E) If the public record is in a format that is not listed in subparagraphs (A) to (D) of
 28 this paragraph, then as determined under paragraph (b) of this subsection; or

29 (b) The public body's actual cost of making public records available, including costs for
 30 summarizing, compiling or tailoring the public records, either in organization or media, to
 31 meet the person's request.

32 (3) The public body may include in a fee established under subsection (2)(b) of this section
 33 the cost of time spent by an attorney for the public body in reviewing the public records,
 34 redacting material from the public records or segregating the public records into exempt and
 35 nonexempt records. The public body may not include in a fee established under subsection
 36 (2)(b) of this section the cost of time spent by an attorney for the public body in determining
 37 the application of the provisions of ORS 192.410 to 192.505.

38 (4)(a) The public body may not establish a fee greater than \$25 under this section unless
 39 the public body first provides the requester with a written notification of the estimated
 40 amount of the fee and the requester confirms that the requester wants the public body to
 41 proceed with making the public record available.

42 (b) A requester may in writing waive the requirement that the requester be provided a
 43 written estimate of fees that exceed \$25 if the requester wishes to expedite the public body's
 44 processing of the requester's request to inspect public records.

45 **SECTION 5. (1) Each public body that creates or retains a public record on social media,**

1 sends a public record through text messaging or sends a public record through use of an
 2 electronic mail address, the domain of which is not owned by the public body, must store a
 3 copy of the record on a server or other storage device owned or operated by the public body
 4 within 30 days of the creation or retention of the record.

5 (2) As used in this section, “social media” means forms of electronic communication
 6 through which users create online communities in order to share information, messages or
 7 other content.

8 **SECTION 6.** (1) In addition to any other liability or penalty provided by law, the Attorney
 9 General may impose a civil penalty on any person for violation of section 5 of this 2015 Act.

10 (2)(a) After public hearing, the Attorney General by rule shall adopt a schedule estab-
 11 lishing the civil penalty that may be imposed under this section. However, the civil penalty
 12 may not exceed \$500 for each violation.

13 (b) The penalties assessed under subsection (1) of this section may not exceed an aggre-
 14 gate of \$5,000 on any one person in a one-year period.

15 (3) A civil penalty imposed under this section may be remitted or reduced upon such
 16 terms as the Attorney General considers proper and consistent with the purposes of ORS
 17 192.410 to 192.505.

18 (4) Civil penalties under this section shall be imposed in the manner provided in ORS
 19 183.745.

20 **SECTION 7.** Sections 4, 5 and 6 of this 2015 Act are added to and made a part of ORS
 21 192.410 to 192.505.

22 **SECTION 8.** ORS 147.421 is amended to read:

23 147.421. (1) If a public body is the custodian of any of the following information, upon the re-
 24 quest of the victim, the public body shall provide to the victim any of the following information of
 25 which it is the custodian and that is about the defendant or convicted criminal:

- 26 (a) The conviction and sentence;
- 27 (b) Criminal history;
- 28 (c) Imprisonment; and
- 29 (d) Future release from physical custody.

30 (2) A public body, in its discretion, may provide the requested information by furnishing the
 31 victim with copies of public records. The public body may charge the victim *[its actual cost]* a fee
 32 for making public records available as provided in ORS 192.440 *[(4)]* **(6) and section 4 of this 2015**
 33 **Act.**

34 (3) As used in this section:

35 (a) “Criminal history” means a description of the prior arrests, convictions and sentences of the
 36 person.

37 (b) “Future release” means the projected or scheduled date of release of the person from con-
 38 finement, the name and location of the correctional facility from which the person is to be released
 39 and the community where the person is scheduled to reside upon release.

40 (c) “Imprisonment” means the name and location of the correctional facility in which the person
 41 is confined.

42 (d) “Public body” has the meaning given that term in ORS 192.410.

43 **SECTION 9.** ORS 802.183 is amended to read:

44 802.183. (1) The Department of Transportation may establish **and impose** fees *[reasonably cal-*
 45 *culated to reimburse it for its actual cost in]* **for** making personal information available to a person

1 or government agency authorized under ORS 802.179 to obtain the information. Fees established
2 under this subsection are subject to the provisions of ORS 192.440 [(4) to (6)] **(6) to (8) and section**
3 **4 of this 2015 Act.**

4 (2) The department may adopt rules specifying conditions that must be met by a person or gov-
5 ernment agency requesting personal information under ORS 802.179. Such conditions may include
6 but need not be limited to:

7 (a) Providing reasonable assurance of the identity of the requester;

8 (b) Providing reasonable assurance of the uses to which the personal information will be put, if
9 applicable;

10 (c) Showing that the individual whose personal information is to be disclosed has given permis-
11 sion for the disclosure, if permission is required; and

12 (d) Submitting a written request for the personal information in a form prescribed by the de-
13 partment.

14 **SECTION 10. This 2015 Act being necessary for the immediate preservation of the public**
15 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
16 **on its passage.**

17