

January 21, 2026
Location: WebEx
Sunshine Committee Members

Charlie Fisher, OSPIRG State Director / Co-chair
Morgan Smith, Polk County Counsel / Co-chair
Cameron Miles, Government Accountability Attorney, Governor’s Office
Elliot Njus, Editor, The Oregonian
Emily Cureton Cook, OPB Bend Bureau Chief
Stephanie Clark, State Archivist
Leslie Wu, Policy Advisor, Office of Attorney General Dan Rayfield
Alex Downing, City Recorder, City of Corvallis
Mark Landauer, Lobbyist, Special Districts Association of Oregon
Representative Kim Wallan (ex officio)

Guests

Daivd Pitcher, Public Records Counsel, Department of Justice
Sam Dupree, Oregon Judicial Department
Glenda Scherer
Richard Coe

Agenda

AUDIO STREAM 0:00:00-0.7

First Agenda Item: Special Projects Subcommittee Update

Co-Chair Smith said the subcommittee was not able to meet. He will send out a Google scheduling poll for availability and urged members to check their spam folders so they didn’t miss it and could attend. **Chair Fisher** said that the efficient functioning of this committee depends on the work of subcommittees so if you are on one try to participate as much as possible.

Second Agenda Item: Draft Letter for Legislature

Chair Fisher said that they wanted to be able to submit a draft letter or as **Mr. Miles** had rightly suggested, a one pager that they can submit to all bills that have an open government impact statement because many legislators don’t even know what exists. This would also provide the committee’s general perspective on bills that have public records exemptions and would provide a boilerplate on what to consider. **Co-Chair Smith** and himself had put together a rough draft. **Chair Fisher** opened the floor for feedback.

Mr. Landauer said he quickly perused the letter and was curious who was responsible for issuing this every time a public records exemption gets hidden in a 45-page bill. Timelines will be extremely short in the upcoming short session. Once a bill is heard, there are only 24 hours to get the testimony submitted onto the record.

Chair Fisher said it would be a matter of what are the bills that have an open government impact statement and submitting the form letter as testimony on the record.

Mr. Pitcher said it would be a lot to have a system to track bills to happen in a short timeline but it was doable and he would look into it.

Chair Fisher said he is happy to work with him to set up a system.

Mr. Landauer said that typically they get a bill stack of around 300 bills in a session. Then they are all formally introduced, sent to the president, then the house speaker's desk, then referred to committee. He said Tuesday would be the first real live day for hearings.

Ms. Downing suggested that they move the last paragraph about existing exemptions under the first bolded heading. She thinks it's more likely to be read higher up in the material.

Mr. Miles said that the term "Oregon Laws" under the "please consider" paragraph may have been an inadvertent inclusion.

Mr. Landauer asked whether there was any utility in adding to the letter a paragraph suggesting that any future exemptions be put into ORS 192 rather than burying it elsewhere in the statute. It seemed to him that 750 exemptions are scattered across the statute and it would be good to have them more understandable and accessible.

Mr. Miles said that there are two sides to that. There is a public records perspective and the legislative perspective. If it's not confidential, then he agreed that it should be compiled. He said there were pluses and minuses on both sides. **Mr. Miles** said he didn't think it was workable to catalogue exemptions in 192. You always have to worry about cross references when drafting and there could be hundreds of different sections that apply to public records.

Chair Fisher said he understood the perspective of being cumbersome for the drafter but asked whether there was any other reason why it would be a bad idea.

Mr. Miles said that section would be modified by every bill and any time there was a renumbering it would be huge. The workaround was they required DOJ to keep a list of exemptions. There's a place to modify it without changing statutes.

Mr. Landauer said he didn't feel there was enough public awareness about the DOJ database of exemptions and asked about including a link on the committee website.

Mr. Pitcher said it was on those sites.

Mr. Miles said that if records are required to be confidential, the exemption needs to be in the statute, but if it's simply a protection from public records requests then it can be in the public records section.

Representative Wallan said that they could direct Legislative Counsel to issue that letter to anyone who needs to have a bill drafted. She said it might have a different flavor if it was coming from lawyers rather than the committee.

Mr. Landauer said it would seem that the legislature would have to take some proactive stance in order for this to be effectuated.

Since the committee only had technical suggestions, **Chair Fisher** suggested giving the letter to **Mr. Pitcher** to submit.

Third Agenda Item – Discussion of bi-annual report process

Chair Fisher said the report is due May 1. They have one meeting to go before the deadline so they need to have a close to final draft to review at the final meeting in March. Co-Chair Smith volunteered to write the report.

Fourth Agenda Item – Public Comment

Ms. Scherer provided public comment. She also spoke at the July 26, 2023 meeting. She asked the committee to consider how public records in Oregon's 197 public schools are handled and what remedies are available to the public when a request is denied, ignored or has a high cost attached to it. She said the public needs to have the same ability to access public records in public schools as they do in state agencies. She recommended that schools and cities too are moved under the public records advocate jurisdiction. She submitted a public

records request to the Gladstone School District at the beginning of January for a list of their employees, wages and benefits, and received a reply saying it would cost \$120, which she said seemed high. Community members pooled together and paid it. A friend in another school district submitted another request and has not received a response. She urged the committee to take steps to bring Oregon public schools and cities under the jurisdiction of the Oregon Public Records Advocate.

Fourth Agenda Item – Discussion of process for new bills in short session

Chair Fisher said that in the past they have had a smaller subcommittee review the bills that had open government impact statements, identified the ones that had public records related to topics they already made recommendations on, and within that smaller subset, they selected which bills they wanted to provide more substantive feedback on. Then they provided it as testimony on behalf of the full committee with signoff from the subcommittee. He said the limiting factor is capacity.

Co-Chair Smith said it would be hard to do it in the short session when the turnaround is so fast. The form letter is a good first step and they can go from there into a longer session.

Chair Fisher said the compromise is the form letter that has a link to all of their recommendations. Committee members agreed to use the letter instead of the other process.

Fifth agenda item – Discussion of Correctional Institution Exemptions

Co-Chair Smith said he doesn't have any issue with the pre-sentence reports. It seems to him that the sole purpose is to inform the courts on sentencing parameters and they are not used often now that the bulk of sentencing is done on grid block formats. They're sometimes used by local community corrections. The sole purpose is to inform the court and he didn't think that was something that there's a lot of public interest in. Regarding the interstate compact statute, he didn't think there was much that Oregon had any say in.

Chair Fisher said his question is when it says information that would adversely affect personal privacy rights or proprietary interests, what does that mean?

Co-Chair Smith said it might mean something to another state. It relates to the portability of folks under supervision to move from one state to another.

Chair Fisher said it would be hard to make a recommendation if they don't know what the actual rules are that the interstate commission has.

Mr. Miles said that if someone is on probation who has moved to another state, we don't have authority over them. A lot of the information is about the individual and how they're being supervised. A lot of times it is for the protection of the individual because they're going to have to share a lot of private information to get that transfer.

Co-Chair Smith said the next exemption to cover was ORS 192.355(5). He doesn't see a big policy concern with that exemption because it has a public interest balancing test.

Chair Fisher said some of them seem to overlap.

Mr. Miles said they're separate because they're separate departments.

The committee did not make any recommendations on those four exemptions.

Adjournment

DRAFT