

Chapter 192

1971 REPLACEMENT PART

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PUBLIC RECORDS

192.005 Definitions for ORS 192.005 to 192.170. As used in ORS 192.005 to 192.170, unless the context requires otherwise:

(1) "Archivist" means the State Archivist.

(2) "Photocopy" includes a photograph, microphotograph and any other reproduction on paper or film in any scale.

(3) "Photocopying" means the process of reproducing, in the form of a photocopy, a public record or writing.

(4) "Political subdivision" means a city, county, district or any other municipal or public corporation in this state.

(5) "Public record" means a document, book, paper, photograph, file, sound recording or other material, such as court files, mortgage and deed records, regardless of physical form or characteristics, made, received, filed or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use. "Public records" includes correspondence, public records made by photocopying and public writings, but does not include:

(a) Records of the Legislative Assembly, its committees, officers and employees.

(b) Library and museum materials made or acquired and preserved solely for reference or exhibition purposes.

(c) Extra copies of a document, preserved only for convenience of reference.

(d) A stock of publications.

(6) "Public writing" means a written act or record of an act of a sovereign authority, official body, tribunal or public officer of this state, whether legislative, judicial or executive.

(7) "State agency" means any state officer, department, board, commission or court created by the Constitution or statutes of this state. However, "state agency" does not include the Legislative Assembly or its committees, officers and employees.

[1961 c.160 §2; 1965 c.302 §1]

192.010 Right to inspect public writings. Every citizen of this state has a right to inspect any public writing of this state, except as otherwise expressly provided by statute.

192.020 Public officers bound to give copies. Every public officer having the custody of a public writing which a citizen has a right to inspect is bound to give him, on

demand, a certified copy of it, on payment of the legal fees therefor.

192.030 Right to inspect public records. The custodian of any public records of the state or a political subdivision, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in his office and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. The custodian of the records may make reasonable rules and regulations necessary for the protection of the records and to prevent interference with the regular discharge of his duties.

[Amended by 1961 c.160 §4]

192.040 Making, filing and recording records by photocopying. A state agency or political subdivision making public records or receiving and filing or recording public records, may do such making or receiving and filing or recording by means of photocopying. Such photocopying shall, except for records which are treated as confidential pursuant to law, be made, assembled and indexed, in lieu of any other method provided by law, in such manner as the governing body of the state agency or political subdivision considers appropriate.

[Amended by 1961 c.160 §5]

192.050 Photocopying records; evidentiary effect. A state agency or political subdivision may, with the approval of the proper budgetary authority, cause any public records in its official custody to be photocopied as in the case of original filings or recordings. Every such reproduction shall be deemed an original; and a transcript, exemplification or certified copy of any such reproduction shall be deemed a transcript, exemplification or certified copy, as the case may be, of the original.

[Amended by 1961 c.160 §6]

192.060 Indexing and filing photocopied records. All photocopies made under ORS 192.040 and 192.050 shall be properly indexed and placed in conveniently accessible files. Each roll of microfilm shall be deemed a book or volume and shall be designated and numbered and provision shall be made for preserving, examining and using the same.

[Amended by 1961 c.160 §7]

192.070 Duplicate rolls of microfilm required; delivery to State Archivist. A duplicate of every roll of microfilm of documents

recorded pursuant to law and the indexes therefor shall be made and kept safely. The State Archivist upon request may, pursuant to ORS 357.865, accept for safekeeping the duplicate microfilm.

[Amended by 1961 c.160 §8]

192.072 State Archivist performing microfilm services for political subdivision or state agency. (1) As used in this section:

(a) "Political subdivision" includes a city, county, district and any other municipal or public corporation in Oregon.

(b) "State agency" includes any state officer, department, board, commission or court, the Legislative Assembly, its committees, officers and employes.

(2) Upon request of a state agency or political subdivision, the State Archivist may perform microfilm services for the state agency or political subdivision. The cost of rendering the microfilm services shall be paid to the State Archivist by the state agency or political subdivision. The moneys received under this section shall be deposited in the Miscellaneous Receipts Account for the State Library.

[1955 c.87 §1; 1961 c.172 §3]

192.074 [1955 c.87 §2; repealed by 1961 c.172 §7]

192.076 [1955 c.87 §3; repealed by 1961 c.172 §7]

192.080 [Amended by 1961 c.160 §9; repealed by 1971 c.508 §4]

192.090 [Repealed by 1961 c.160 §24]

192.100 [Repealed by 1961 c.160 §24]

192.105 State Archivist authorization for state agency to dispose of its records; legislative records excepted. (1) Except as otherwise provided by law, the State Archivist may grant to state agencies specific or continuing authorization for the retention or disposition of public records which are in custody of the agency, after the records have been in existence for a specified period of time. In granting such authorization, the State Archivist shall consider the value of the public records for legal, administrative or research purposes and shall establish rules for procedure for the retention or disposition of the public records.

(2) The State Archivist shall provide instructions and forms for obtaining authorization. Upon receipt of an authorization or upon the effective date of the applicable rule, the state officer who has public records in his custody may destroy or otherwise dispose of

those records that are older than the specified period of retention established by the authorization or rule. No record of accounts or financial affairs subject to audit shall be destroyed until released for destruction by the responsible auditor or his representative. If federal funds are involved, records retention requirements of the United States Government must be observed.

(3) Authorizations granted prior to September 9, 1971, by any state agency to state agencies shall remain in effect until they are adopted or amended by the State Archivist.

(4) This section does not apply to legislative records, as defined in ORS 171.410. [1953 c.224 §1; 1961 c.160 §10; subsection (3) enacted as 1961 c.150 §5; 1971 c.508 §1]

192.110 [Amended by 1961 c.160 §11; repealed by 1971 c.508 §4]

192.120 [Repealed by 1971 c.508 §4]

192.130 Disposition of valueless records in custody of State Archivist. If any public records of a state agency or political subdivision in the official custody of the State Archivist prove to be of insufficient value to warrant permanent preservation, the State Archivist may submit a statement or summary thereof to the state agency or governing body of the political subdivision, or successor agency or body, certifying the type and nature thereof and requesting approval of the destruction or other disposal thereof. Upon receipt of such approval, the State Archivist may destroy or otherwise dispose of the public records. If the state agency or political subdivision no longer exists and there is no successor agency or body, the State Archivist may, upon approval of the Attorney General, destroy or otherwise dispose of the records.

[Amended by 1961 c.160 §12; 1971 c.508 §2]

192.140 Request by county for authority to dispose of its valueless records. Except as otherwise provided by law, any county officer, department, board or agency having in his or its possession public records which are considered by such possessor to be of no value to the county or the public, may with the consent of the district attorney submit a statement or summary thereof to the county court or board of county commissioners of such county, certifying the type and nature of the public records, and requesting approval of the destruction or other disposal thereof in accordance with regulations prescribed by the State Archivist.

[Amended by 1961 c.160 §13]

192.150 Disposition of valueless county records. Upon receipt of the approval of the county court or board of county commissioners, such county officer, board, department or agency shall file the approval, together with a copy of his or its statement and certificate made to the county court or board of county commissioners, in the permanent files of his or its office, and thereupon may cause the public records to be destroyed or otherwise disposed of in accordance with regulations prescribed by the State Archivist. The officer, board, department or agency shall transfer to the official custody of the State Archivist any such public records so authorized to be disposed of as the archivist may requisition.

[Amended by 1961 c.160 §14]

192.160 Disposition of valueless records in custody of governing body of county. In accordance with rules and regulations prescribed by the State Archivist, the county court or board of county commissioners may cause to be destroyed or otherwise disposed of any such old and valueless public records in its possession upon filing in the permanent files of the county a statement and certificate of the form and substance required by ORS 192.140 of other county officers, boards, departments and agencies. The court or board of county commissioners shall transfer to the official custody of the State Archivist any public records so authorized to be disposed of as the archivist may requisition.

[Amended by 1961 c.160 §15]

192.170 Disposition of materials without authorization. The destruction or other disposal of the following materials do not require specific authorization:

(1) Inquiries and requests from the public and answers thereto not required by law to be preserved or not required as evidence of a public or private legal right or liability.

(2) Public records which are duplicates by reason of their having been photocopied.

(3) Letters of transmittal and acknowledgment, advertising, announcements and correspondence or notes pertaining to reservations of accommodations or scheduling of personal visits or appearances.

[Amended by 1961 c.160 §16; 1971 c.508 §3]

PUBLIC REPORTS

192.210 Definitions for ORS 192.210 and 192.220. As used in ORS 192.210 and 192.220, unless the context requires otherwise:

(1) "Issuing agency" means:

(a) Every state officer, board, commission, department, institution, branch or agency of state government whose costs are paid from public funds and includes the Legislative Assembly, the officers and committees thereof, and the courts and the officers and committees thereof; or

(b) Any county, special district, school district or public or quasi-public corporation.

(2) "Printing" includes any form of reproducing written material.

(3) "Report" means any report or other publication of an issuing agency that is required by law to be submitted to the public or to a receiving agency.

(4) "Receiving agency" means any state officer or state board, commission, department, institution or agency or branch of government that is required by law to receive any report from an issuing agency. If the branch of government is the Legislative Assembly, the receiving agency is the Legislative Administration Committee and if the branch is the judicial branch, the receiving agency is the Supreme Court.

[1969 c.456 §1; 1971 c.638 §11]

192.220 Standardized report forms; exemptions. (1) Except where form and frequency of reports are specified by law, every receiving agency shall prescribe by rule standardized forms for all reports and shall fix the frequency with which reports shall be submitted.

(2) Receiving agencies in the executive or administrative branch of government shall consult with the Executive Department in preparing rules under this section.

(3) With the consent of the Governor, a receiving agency in the executive or administrative branch may exempt any issuing agency from the requirements imposed under subsection (1) of this section. The Legislative Administration Committee may exempt any issuing agency from such requirements for any report required to be submitted to the Legislative Assembly. The Supreme Court may exempt any issuing agency from such requirements for any report required to be submitted to the courts.

[1969 c.456 §2; 1971 c.638 §12]

RECORDS AND REPORTS

192.310 Records and reports required by law to be in English. (1) With the exception of physicians' prescriptions, all records, reports and proceedings required to be kept by

law shall be in the English language or in a machine language capable of being converted to the English language by a data processing device or computer.

(2) Violation of this section is a Class C misdemeanor.
[1971 c.743 §294]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Robert W. Lundy, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1971.

Robert W. Lundy
Legislative Counsel

