

80th OREGON LEGISLATIVE ASSEMBLY--2020 Regular Session

Senate / House Bill _____

Sponsored by _____ (at the request of Public Records Advisory Council) (Pre-session filed.)

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SUMMARY

Changes the manner in which the Public Records Advocate is selected. Empowers the Public Records Advisory Council to appoint the Public Records Advocate, who ~~serves at the pleasure of the Council. may be removed for cause by the Council.~~

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A BILL FOR AN ACT

Relating to the Public Records Advocate; amending ORS 192.461 and section 8, chapter 728, Oregon Laws 2017.

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

SECTION 1. ORS 192.461, as amended by section 16, chapter 728, Oregon Laws 2017, and Section 1, chapter 107, Oregon Laws 2019, is amended to read: 192.461.

(1) The office of the Public Records Advocate is created. The Public Records Advocate shall function separately and independently from any other state agency.

Commented [GM1]: This language is lifted from the Long Term Care Ombudsman's statute

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(2) *[The Public Records Advocate shall be appointed by the Governor from among a panel of three qualified individuals nominated by the Public Records Advisory Council under section 8, chapter 728, Oregon Laws 2017, and shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.]* The Public Records Advisory Council shall appoint the Public Records Advocate who shall serve at its discretion. The advocate shall report to the Council be subject to policy direction by the council, and shall serve as custodian of Council records. The advocate shall chair the council, administer the laws, and appoint, assign and coordinate personnel of the council within budget limitations and the State Personnel Relations Law. The Advocate shall be confirmed by the Senate in the manner prescribed in ORS 171.562 and 171.565.

Commented [GM2]: Can the Council "appoint" the Advocate?

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Commented [GM3]: Do we need to clarify what this process is? How many members have to agree on the Advocate? What happens if there isn't unanimous agreement?

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(3) The Public Records Advocate shall be a member in good standing of the Oregon State Bar.

[(4) The term of office of the Public Records Advocate shall be four years, except that the advocate may be removed for cause by the Governor or upon motion of the Public Records Advisory Council with the consent of the Governor. A determination to remove for cause may be appealed as a contested case proceeding under ORS chapter 183.] The term of the Public Records Advocate shall be four years, except that the Advocate may be removed for cause by motion of a majority of the Public Records Advisory Council. A determination to remove for cause may be appealed as a contested case proceeding under ORS chapter 183.

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[(5) The Advocate may be reappointed to consecutive terms.]

~~[(6)]~~ (4) The Public Records Advocate is in the unclassified service.

~~[(7)]~~ (5) The Public Records Advocate may hire one Deputy and one or more ~~deputy advocates~~ or other professional staff to assist in performing the duties assigned to the Public Records Advocate.

(6) If the position of Public Records Advocate becomes vacant for any reason, the Deputy Public Records Advocate shall serve as acting Public Records Advocate until a new Public Records Advocate has been appointed for a full term.

~~[(8)(a)]~~ ~~(7)(a)(6)(a)~~ The State Archivist may furnish office facilities and provide administrative support to the Public Records Advocate.

~~(7)(b)~~ If the State Archivist declines to furnish office facilities and provide administrative support to the Public Records Advocate, the Oregon Department of Administrative Services shall furnish office facilities and provide administrative support to the advocate. [2017 c.728 §1]

(8)(a) The Public Records Advocate Fund is established in the State Treasury, separate and distinct from the General Fund. The account shall consist of moneys appropriated by the Legislative Assembly.

(b) Moneys in the Public Records Advocate Fund are continuously appropriated to the Public Records Advocate for the purpose of funding the operations of the office of:

(A) The Public Records Advocate; and

(B) The Public Records Advisory Council.

Commented [GM4]: This needed to be removed anyway, per DAS HR, because unclassified service usually means serving at the pleasure of the Governor

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Commented [GM5]: This text is from SB 106 as introduced

Commented [GM6]: This requires additional research and development.

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