

## Senate / House Bill \_\_\_\_\_

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

### 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. Permits council to support or oppose public records legislation. Permits council to request that public records legislation be introduced through any legislator.

### 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.

(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 be subject to policy direction by the council, and shall serve as custodian of council records. The advocate shall perform the functions assigned to the advocate by law or the council, and appoint, assign and coordinate personnel of the council within budget limitations and the State Personnel Relations Law.**

(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.]*

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

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

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

*[(8)(a)]* **(5)(a)** The State Archivist may furnish office facilities and provide administrative support to the Public Records Advocate.

(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.

**SECTION 2.** Section 8, chapter 728, Oregon Laws 2017, as amended by Section 2, chapter 107, Oregon Laws 2019, is amended to read:

**Sec. 8.** (1) The Public Records Advisory Council is created.

(2) The Public Records Advisory Council consists of:

- (a) The Secretary of State or a designee of the Secretary of State;
- (b) The Attorney General or a designee of the Attorney General;
- (c) The Director of the Oregon Department of Administrative Services or a designee of the director;
- (d) A representative of the news media who is a member in good standing of a professional journalism association and who is appointed by the Governor;
- (e) Two additional representatives of the news media who are appointed by the Governor;
- (f) A representative of the cities of this state who is appointed by the Governor;
- (g) A representative of the counties of this state who is appointed by the Governor;
- (h) A representative of the special districts of this state who is appointed by the Governor;
- (i) A representative of the public sector workforce who is appointed by the Governor;
- (j) A member of the public who is appointed by the Governor;
- (k) A Senator who is appointed by the President of the Senate and who serves as an ex officio nonvoting member;
- (L) A Representative who is appointed by the Speaker of the House of Representatives and who serves as an ex officio nonvoting member; and
- (m) *[Except as provided in subsection (3) of this section,]* The Public Records Advocate *[, who shall serve as chair of the council].*

**(3) The council shall elect a chairperson and vice chairperson for such terms and duties as the council may require.**

*[(3)]* **(4)** At any time when the office of Public Records Advocate is vacant:

*[(a) The Secretary of State or a designee of the Secretary of State shall serve as the acting chair of the Public Records Advisory Council;]*

*[(b)]* **(a)** The council shall convene at the time and place designated by the *[acting]* chair but within 30 days of the vacancy of the office of Public Records Advocate;

*[(c)]* **(b)** The council shall take up only the question of the *[nomination of three qualified individuals for the Governor to consider for appointment under ORS 192.461 as]* **process and for selection of a new Public Records Advocate;** and

*[(d)]* **(c)** The individual who had vacated the office of Public Records Advocate may participate in deliberations and vote on the slate of nominees unless the individual vacated the office *[for reasons described in ORS 192.461 (4)]* **as the result of being removed by the council.**

*[(4)]* **(5)** The appointment of a member of the council described in subsection (2)(d) to (j) of this section is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

*[(5)]* **(6)** A member of the council described in subsection (2)(d), (e) or (j) of this section is entitled to compensation and expenses as provided in ORS 292.495.

*[(6)]* **(7)** The members of the council described in subsection (2)(d) to (L) of this section shall each serve two-year terms and may be reappointed to successive terms.

*[(7)]* **(8)** A majority of the voting members of the council constitutes a quorum for the transaction of business.

*[(8)]* **(9)** The council shall meet at least once every six months. The council also may meet at other times and places specified by the call of the chair or of a majority of the members of the council.

*[(9)]* **(10)** All public bodies, as defined in ORS 192.311, shall assist the council in the performance of its duties and, to the extent permitted by laws relating to confidentiality, furnish such information, including public records, and advice as the members of the council consider necessary to perform their duties.

**(11)(a) The council may support or oppose legislation relating to public records law.**

**(b) The council may request that one or more legislators introduce legislation relating to public records law.**