

**SECTION 1.** ORS 192.461 is amended to read:

**192.461 Public Records Advocate.** (1) The office of the Public Records Advocate is created. **The Public Records Advocate shall be separate and independent from any other state agency.**

(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 ORS 192.481 [*and shall be confirmed by the Senate in a manner prescribed in ORS 171.562 and 171.565*].

(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*] **exempt** service.

(7) [*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.*]

**(a) The Office of the Public Records Advocate is exempt from ORS chapter 240.**

**(b) The Public Records Advocate shall select, appoint and fix the compensation of a person as Deputy Public Records Advocate and may select, appoint and fix the compensation of other professional staff the Public Records Advocate deems necessary to discharge the Public Records Advocate's responsibilities under ORS 192.464 to ORS 192.475 and Sections 8, 9, 10, 13 and 15, chapter 728, Oregon Laws 2017.**

*[(8)(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.]*

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

**(b) The Public Records Advocate may delegate to the Deputy Public Records Advocate any authority, power or duty to act in the Public Records Advocate's stead, except this power of delegation.**

**(c) 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.**

**(9)(a) The Public Records Advocate Fund is established in the State Treasury, separate and distinct from the General Fund.**

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

**(A) The office of the Public Records Advocate; and**

**(B) The Public Records Advisory Council.**

**SECTION 2.** ORS 192.481 is amended to read:

192.481 (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 chair and a vice chair, who each shall serve in that capacity for a two-year term, or until their membership on the council ends, whichever is of shorter duration. A chair or vice chair may be reelected to their positions.**

[(3)] (4) At any time when the office of the 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 the 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 selection of a new Public Records Advocate;** and

[(d)] (c) The individual who had vacated the office of the 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).

[(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 may also 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.**

**SECTION 3.** ORS 192.483 is amended to read:

192.483 (1) The Public Records Advisory Council created under ORS 192.481 shall periodically perform all of the following:

(a) Survey state agency and other public body practices and procedures for:

(A) Receiving public records requests, identifying the existence of records responsive to the request and gathering and disclosing responsive records;

(B) Determining fee estimates and imposing or waiving fees under ORS 192.324; and

(C) Determining and applying exemptions from required disclosure of public records.

(b) Examine practices similar to those described in paragraph (a) of this subsection in other jurisdictions.

(c) Identify inefficiencies and inconsistencies in application of the public records law that impede transparency in public process and government.

(d) Make recommendations on changes in law, policy or practice that could enhance transparency in public process and government, and facilitate rapid dissemination of public records to requesters.

(e) Make recommendations on the role of the Public Records Advocate as facilitator in disputes between custodians of public records and public record requesters.

(2) No later than December 1 of each even numbered year, the council shall submit to the Governor, and to the Legislative Assembly in the manner provided by ORS 192.245, a report that describes the findings of the council since the council's last report. The report may include recommendations for legislation.

(3) The council or the Public Records Advocate may prepare reports and studies more frequently than required under subsection (2) of this section.

(4) The council may adopt rules governing the operations of the office of the Public Records Advocate, including but not limited to rules establishing procedures for the conduct of facilitated dispute resolution under ORS 192.464. The council shall consider efficiencies and the preference for a policy of transparency and openness in government in this state in adopting rules under subsection.

**(5) The Public Records Advocate shall serve as the custodian of all council records.**

**SECTION 4. Any actions taken by the Public Records Advisory council before the effective date of this 2020 Act to recruit and appoint a Public Records Advocate are hereby ratified and affirmed.**

**SECTION 5. This 2020 Act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this 2020 Act takes effect on its passage.**