

# House Bill 2430

Sponsored by Representative POWER, Senators PROZANSKI, THATCHER; Senator BOQUIST (at the request of Public Records Advisory Council) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates sunset date of Public Records Advisory Council.

## A BILL FOR AN ACT

1  
2 Relating to the Public Records Advisory Council; creating new provisions; amending ORS 192.461  
3 and section 8, chapter 728, Oregon Laws 2017; and repealing sections 15 and 17, chapter 728,  
4 Oregon Laws 2017.

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

6 **SECTION 1.** ORS 192.461, as amended by section 16, chapter 728, Oregon Laws 2017, is  
7 amended to read:

8 192.461. (1) The office of the Public Records Advocate is created.

9 (2) The Public Records Advocate shall be appointed by the Governor **from among a panel of**  
10 **three qualified individuals nominated by the Public Records Advisory Council under section**  
11 **8, chapter 728, Oregon Laws 2017**, and shall be confirmed by the Senate in the manner prescribed  
12 in ORS 171.562 and 171.565.

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

14 (4) The term of office of the Public Records Advocate shall be four years, except that the ad-  
15 vocate may be removed for cause by the Governor **or upon motion of the Public Records Advi-**  
16 **sory Council with the consent of the Governor**. A determination to remove for cause may be  
17 appealed as a contested case proceeding under ORS chapter 183.

18 (5) The advocate may be reappointed to consecutive terms.

19 (6) The Public Records Advocate is in the unclassified service.

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

22 (8)(a) The State Archivist may furnish office facilities and provide administrative support to the  
23 Public Records Advocate.

24 (b) If the State Archivist declines to furnish office facilities and provide administrative support  
25 to the Public Records Advocate, the Oregon Department of Administrative Services shall furnish  
26 office facilities and provide administrative support to the advocate.

27 **SECTION 2.** Section 8, chapter 728, Oregon Laws 2017, is amended to read:

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

29 (2) The Public Records Advisory Council consists of:

30 (a) The Secretary of State or a designee of the Secretary of State;

31 (b) The Attorney General or a designee of the Attorney General;

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) The Director of the Oregon Department of Administrative Services or a designee of the di-  
2 rector;

3 (d) A representative of the news media who is a member in good standing of a professional  
4 journalism association and who is appointed by the Governor;

5 (e) Two additional representatives of the news media who are appointed by the Governor;

6 (f) A representative of the cities of this state who is appointed by the Governor;

7 (g) A representative of the counties of this state who is appointed by the Governor;

8 (h) A representative of the special districts of this state who is appointed by the Governor;

9 (i) A representative of the public sector workforce who is appointed by the Governor;

10 (j) A member of the public who is appointed by the Governor;

11 (k) A Senator who is appointed by the President of the Senate and who serves as an ex officio  
12 nonvoting member;

13 (L) A Representative who is appointed by the Speaker of the House of Representatives and who  
14 serves as an ex officio nonvoting member; and

15 (m) Except as provided in subsection (3) of this section, the Public Records Advocate, who shall  
16 serve as chair of the council.

17 (3) At any time when the office of Public Records Advocate is vacant:

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

20 (b) The council shall convene at the time and place designated by the acting chair but within  
21 30 days of the vacancy of the office of Public Records Advocate;

22 (c) The council shall take up only the question of the nomination of three qualified individuals  
23 for the Governor to consider for appointment under *[section 1 of this 2017 Act]* **ORS 192.461** as  
24 Public Records Advocate; and

25 (d) The individual who had vacated the office of Public Records Advocate may participate in  
26 deliberations and vote on the slate of nominees unless the individual vacated the office for reasons  
27 described in *[section 1 (4) of this 2017 Act]* **ORS 192.461 (4)**.

28 (4) The appointment of a member of the council described in subsection (2)(d) to (j) of this sec-  
29 tion is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

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

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

34 *[(6)]* **(7)** A majority of the **voting** members of the council constitutes a quorum for the trans-  
35 action of business.

36 *[(7)]* **(8)** The council shall meet at least once every six months. The council also may meet at  
37 other times and places specified by the call of the chair or of a majority of the members of the  
38 council.

39 *[(8)]* **(9)** All public bodies, as defined in ORS *[192.410]* **192.311**, shall assist the council in the  
40 performance of its duties and, to the extent permitted by laws relating to confidentiality, furnish  
41 such information, including public records, and advice as the members of the council consider nec-  
42 essary to perform their duties.

43 **SECTION 3. Notwithstanding section 8 (6), chapter 728, Oregon Laws 2017:**

44 **(1) The following members of the Public Records Advisory Council shall serve a three-**  
45 **year term that commenced on January 1, 2018:**

- 1 (a) The member appointed under section 8 (2)(d), chapter 728, Oregon Laws 2017.  
2 (b) One of the members appointed under section 8 (2)(e), chapter 728, Oregon Laws 2017.  
3 (c) The member appointed under section 8 (2)(g), chapter 728, Oregon Laws 2017.  
4 (d) The member appointed under section 8 (2)(i), chapter 728, Oregon Laws 2017.  
5 (e) The member appointed under section 8 (2)(L), chapter 728, Oregon Laws 2017.  
6 (2) The following members of the council shall serve a four-year term that commenced  
7 on January 1, 2018:  
8 (a) One of the members appointed under section 8 (2)(e), chapter 728, Oregon Laws 2017.  
9 (b) The member appointed under section 8 (2)(f), chapter 728, Oregon Laws 2017.  
10 (c) The member appointed under section 8 (2)(h), chapter 728, Oregon Laws 2017.  
11 (d) The member appointed under section 8 (2)(j), chapter 728, Oregon Laws 2017.  
12 (e) The member appointed under section 8 (2)(k), chapter 728, Oregon Laws 2017.  
13 **SECTION 4.** Sections 15 and 17, chapter 728, Oregon Laws 2017, are repealed.

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