

SB 1506 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/24, 2/26

WHAT THE MEASURE DOES:

Establishes office of the public records advocate (advocate) an independent office in the executive department. Authorizes Public Records Advisory Council (Council) to appoint and remove the advocate. Changes employment status of advocate to exempt service. Requires Council to elect a chair and a vice chairperson from its membership. Authorizes Council to support or oppose legislation related to public records law, and to request one or more legislators to introduce legislation related to public records law. Ratifies and affirms actions taken by Council before the effective date to recruit and appoint an advocate. Declares emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Fiscal impact issued

ISSUES DISCUSSED:

- Status of hiring the Public Records Advocate
- Transparency and independence of the Public Records Advocate and Public Records Advisory Council
- Council make-up and appointment of members by Governor
- Measure impact on the hiring process

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In Oregon, as elsewhere, government records are available to the public unless they are exempt from disclosure. Each public body in Oregon maintains its own records and handles requests for access. Public bodies are required to have a process, available in writing, for those seeking access to request a copy of the records or an opportunity to inspect them. Public bodies are also required to respond in a reasonable amount of time and may recover costs associated with satisfying the request. If a public body asserts that an exemption applies, denying a request for records, the assertion may be appealed through the Oregon Department of Justice or a county district attorney at no cost (depending on the public body), and if that appeal is denied, it may be challenged in court. Denials of requests for public records by elected officials must be challenged in court directly, without an intermediate appeal. Although the majority of public records requests are satisfied without controversy, a certain number involve complexities that are not always capable of simple or rapid resolution.

Senate Bill 106 (2017) established the office of the Public Records Advocate (PRA) and the Public Records Advisory Council (PRAC). The PRA is currently nominated by the PRAC and appointed by the Governor, and provides public records training and dispute resolution services for disputes arising from a request to inspect or receive copies of public records. The PRAC is composed of representatives from the Secretary of State, Attorney General, Department of Administrative Services, news media, state and local government, public sector workforce, and the general public. The PRA currently serves as chair of the PRAC. The PRAC meets at least twice annually to consider issues related to public records and make recommendations to enhance transparency. The PRAC reports annually to the Governor and the Legislative Assembly on its findings.

Senate Bill 1506 makes a number of adjustments to the office, PRA, and the PRAC, including making the office independent; changing the appointment or removal of the PRA to the PRAC instead of the Governor; having the

This summary has not been adopted or officially endorsed by action of the committee.

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PRAC directly elect its chair and vice chair rather than designating the PRA as the chair; and authorizing the PRAC to seek, support, or oppose legislation related to public records law.

PRELIMINARY