

SB 1506 STAFF MEASURE SUMMARY

Carrier: Rep. Power

House Committee On Rules

Action Date: 02/26/20
Action: Do Pass.
Vote: 4-0-0-3
Yeas: 4 - Fahey, Holvey, Nosse, Smith Warner
Abs: 3 - Drazan, Sprenger, Zika
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Melissa Leoni, LPRO Analyst
Meeting Dates: 2/24, 2/26

WHAT THE MEASURE DOES:

Establishes office of the Public Records Advocate (Advocate) as 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 through one or more legislators the introduction of legislation related to public records law. Ratifies and affirms actions taken by Council before the effective date to recruit and appoint the Advocate. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Status of hiring the Public Records Advocate
- Transparency and independence of the Public Records Advocate and Public Records Advisory Council
- Council membership and appointment by Governor
- Measure's impact on the recruitment and appointment 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, thus 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. A denial of a request for public records by an elected official 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 do not result in a simple or rapid resolution.

Senate Bill 106 (2017) established the office of the Public Records Advocate (Advocate) and the Public Records Advisory Council (Council). The Advocate is currently nominated by the Council and appointed by the Governor. The Advocate provides public records training and dispute resolution services for disputes arising from a request to inspect or receive copies of public records. The Council is composed of representatives of the Secretary of State, Attorney General, Department of Administrative Services, news media, state and local government, public sector workforce, and the general public. The Advocate currently serves as chair of the Council. The Council meets

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at least twice annually to consider issues related to public records and to make recommendations to enhance transparency. The Council reports annually to the Governor and the Legislative Assembly on its findings.

Senate Bill 1506 makes a number of adjustments to the office, Advocate, and the Council, including making the office independent; shifting authority to appoint or remove the Advocate to the Council from the Governor; allowing the Council to directly elect its chair and vice chair rather than designating the Advocate as the chair; and authorizing the Council to seek, support, or oppose legislation related to public records law.