

SB 1506-1
(LC 166)
1/30/20 (DJ/ps)

Requested by SENATE COMMITTEE ON GENERAL GOVERNMENT AND EMERGENCY
PREPAREDNESS

**PROPOSED AMENDMENTS TO
SENATE BILL 1506**

1 On page 1 of the printed bill, delete lines 5 through 27 and delete page
2 2.

3 On page 3, delete lines 1 through 35 and insert:

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

5 “192.461. (1) The office of the Public Records Advocate is created.

6 “(2) The Public Records Advocate shall be appointed by the Governor
7 from among a panel of three qualified individuals nominated by the Public
8 Records Advisory Council under ORS 192.481 and shall be confirmed by the
9 Senate in the manner prescribed in ORS 171.562 and 171.565.

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

12 “(4) The term of office of the Public Records Advocate shall be four years,
13 except that the advocate may be removed for cause by the Governor or upon
14 motion of the Public Records Advisory Council with the consent of the
15 Governor. A determination to remove for cause may be appealed as a con-
16 tested case proceeding under ORS chapter 183.

17 “(5) The **Public Records** Advocate may be reappointed to consecutive
18 terms.

19 **“(6) The Public Records Advocate shall serve as the executive di-**
20 **rector of the Public Records Advisory Council.**

21 “[~~(6)~~] (7) The Public Records Advocate is in the [*unclassified*] **exempt**

1 service.

2 “[7] (8) The Public Records Advocate may hire one or more deputy ad-
3 vocates or other professional staff to assist in performing the duties assigned
4 to the Public Records Advocate.

5 “[8)(a)] (9)(a) The State Archivist may furnish office facilities and pro-
6 vide administrative support to the Public Records Advocate.

7 “(b) If the State Archivist declines to furnish office facilities and provide
8 administrative support to the Public Records Advocate, the Oregon Depart-
9 ment of Administrative Services shall furnish office facilities and provide
10 administrative support to the advocate.

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

12 “192.481. (1) The Public Records Advisory Council is created.

13 “(2) The [*Public Records Advisory*] council consists of:

14 “(a) The Secretary of State or a designee of the Secretary of State;

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

16 “(c) The Director of the Oregon Department of Administrative Services
17 or a designee of the director;

18 “(d) A representative of the news media who is a member in good standing
19 of a professional journalism association and who is appointed by the Gover-
20 nor;

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

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

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

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

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

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

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

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

6 “(m) [*Except as provided in subsection (3) of this section,*] The Public Re-
7 cords Advocate, who shall serve as [*chair of the council*] **an ex officio**
8 **nonvoting member.**

9 “**(3) The council shall elect two cochairs. One cochair shall repre-**
10 **sent the interests of public records requesters and the general public.**
11 **The other cochair shall represent the interests of public bodies. A**
12 **cochair shall serve in that capacity for a two-year term or until the**
13 **cochair’s membership on the council ends, whichever is of shorter**
14 **duration. A cochair may be re-elected to successive terms in the po-**
15 **sition.**

16 “[~~(3)~~] **(4)** At any time when the office of Public Records Advocate is va-
17 cant:

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

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

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

26 “[*(d)*] **(c)** The individual who had vacated the office of Public Records
27 Advocate may participate in deliberations [*and vote on the slate of*
28 *nominees*] unless the individual vacated the office for reasons described in
29 ORS 192.461 (4).

30 “[~~(4)~~] **(5)** The appointment of a member of the council described in sub-

1 section (2)(d) to (j) of this section is subject to confirmation by the Senate
2 in the manner prescribed in ORS 171.562 and 171.565.

3 “[5] (6) A member of the council described in subsection (2)(d), (e) or (j)
4 of this section is entitled to compensation and expenses as provided in ORS
5 292.495.

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

9 “[7] (8) A majority of the voting members of the council constitutes a
10 quorum for the transaction of business.

11 “[8] (9) The council shall meet at least once every six months. The
12 council also may meet at other times and places specified by the call of the
13 [chair] **cochairs** or of a majority of the **voting** members of the council.

14 “[9] (10) All public bodies, as defined in ORS 192.311, shall assist the
15 council in the performance of its duties and, to the extent permitted by laws
16 relating to confidentiality, furnish such information, including public re-
17 cords, and advice as the members of the council consider necessary to per-
18 form their duties.

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

20 “192.483. (1) The **Public Records Advocate may recommend that the**
21 **Public Records Advisory Council** [*created under ORS 192.481 shall period-*
22 *ically perform all*] **perform any of the following, or the council by its**
23 **own motion may determine to perform any** of the following:

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

26 “(A) Receiving public records requests, identifying the existence of re-
27 cords responsive to the requests and gathering and disclosing responsive re-
28 cords;

29 “(B) Determining fee estimates and imposing or waiving fees under ORS
30 192.324; and

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

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

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

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

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

13 “[*(2) No later than December 1 of each even-numbered year, the council*
14 *shall submit to the Governor, and to the Legislative Assembly in the manner*
15 *provided by ORS 192.245, a report that describes the findings of the council*
16 *since the council’s last report. The report may include recommendations for*
17 *legislation.*]

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

20 “**(2) The council shall report to the Legislative Assembly such**
21 **findings and recommendations as the council considers appropriate.**

22 “**(3) The Public Records Advocate shall serve as the custodian of**
23 **all council records.**

24 “(4) The council may adopt rules governing the operations of the office
25 of the Public Records Advocate, including but not limited to rules estab-
26 lishing procedures for the conduct of facilitated dispute resolution under
27 ORS 192.464. The council shall consider efficiencies and the preference for
28 a policy of transparency and openness in government in this state in adopt-
29 ing rules under this subsection.”.

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