

SB 500 A STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

Action Date: 03/02/21

Action: Do pass with amendments and requesting referral to Ways and Means. (Printed A-Engrossed.)

Vote: 5-0-0-0

Yeas: 5 - Hansell, Jama, Kennemer, Lieber, Riley

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/11, 3/2

WHAT THE MEASURE DOES:

Establishes that Public Records Advocate (PRA) is an independent office, separate and distinct from any other state agency. Provides that PRA is appointed by Public Records Advisory Council (PRAC) and removes requirements for executive appointment and Senate confirmation of PRA. Authorizes PRA to fix compensation of professional staff and specifies that officers and employees are in exempt service. Authorizes PRA to seek office facilities and administrative support from other state agencies and local public bodies, and requires state agencies to assist the PRA. Requires PRA to appoint deputy PRA who must be a member in good standing of the Oregon State Bar. Authorizes delegation of duties to deputy PRA. Provides that deputy PRA, if PRA becomes vacant, to serve as PRA until a replacement is appointed. Requires PRAC to elect chairperson and vice chairperson to serve two-year terms. Authorizes PRAC to support, oppose, and request legislation from legislators relating to public records law. Establishes dedicated fund for agency operations. Ratifies and affirms actions taken by PRAC before effective date of measure to recruit and appoint PRA. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Establishment and history of PRA and PRAC
- Desire of PRAC to make PRA a fully independent office in the executive branch
- Provisions of the measure

EFFECT OF AMENDMENT:

Clarifies PRA is within the executive department. Authorizes PRA to fix compensation of professional staff and specifies that officers and employees are in exempt service. Authorizes PRA to seek office facilities and administrative support from other state agencies and local public bodies, and requires state agencies to assist the PRA.

BACKGROUND:

Established in 2017, the Office of the Public Records Advocate (PRA) provides dispute resolution services, training, guidance, and advice to improve the administration of Oregon's public records laws. The PRA is appointed by the Governor and confirmed by the Senate from a list of nominees recommended by the Public Records Advisory Council (PRAC). The PRAC makes recommendations concerning the PRA's role, as well as establishing practices, procedures, exemptions, and fees related to public records.

Senate Bill 500 A establishes the PRA as an independent office within the executive branch and authorizes the PRA to seek office facilities and administrative support from state agencies. The measure removes requirements for executive appointment and Senate confirmation of the PRA and requires the PRA to appoint a deputy who, along with other responsibilities, assumes the duties of the PRA when the position is vacant. The measure also changes how the PRAC operates, requiring the body to select a chairperson and vice-chairperson and authorizing the body

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to support, oppose, and request legislation relating to public records law. Finally, the measure establishes a dedicated fund for the operation of the office of the PRA and the PRAC.