



The Public Records Advisory Council supports the passage of SB 500 -2 amendment

11 February 2021

Oregon State Senate Labor and Business Committee

Subject: Oregon Senate Bill 500

Sent via email to: sggep.exhibits@oregonlegislature.com

Dear Senators Riley, Hansell, Jama, Kennemer, and Lieber:

As Oregon's State Archivist, and the Secretary of State's appointee as the Chair of the Public Records Advisory Council, I'm writing to express the support of the Public Records Advisory Council for the passage of the Senate Bill 500 -2 amendment. This bill and its subsequent amendment were crafted by a majority of the members of the Public Records Advisory Council and enjoys bi-partisan, bi-cameral support. Representative Power and Senator Thatcher, who are both members of the PRAC, support this bill as articulated in the -2 amendment. During the 2020 regular session, the previous iteration of this bill (SB 1506) was introduced by the Senate Interim Committee on General Government and Emergency Preparedness for Representative Karin Power and Senator Kim Thatcher at the request of Public Records Advisory Council. The bill successfully passed the Senate with bi-partisan unanimous support, having been carried on the floor by ex-officio member Senator Thatcher. However, the bill ultimately died in the House as the session came to an early conclusion.

The Public Records Advocate mediates disputes between public records requestors and public bodies, provides free training on public records laws and best practices, and leads the Public Records Advisory Council. The Council works with the Advocate and the State Archives Division to study and make recommendations concerning the Advocate's role, as well as practices, procedures, exemptions, and fees related to public records. The Office of the Public Records Advocate and the Public Records Advisory Council were created by Senate Bill 106 in 2017. Since that time, the council and advocate have taken their observations regarding possible barriers to success of the office and have offered possible solutions in this bill.

Firstly, SB 500 declares the Office of the Public Records Advocate as independent within the Executive Branch. The council agrees that in order to make this office as independent as possible, it is necessary to transfer office budget to newly established Public Records Advocate Fund in State Treasury from its present location at Department of Administrative Services.

This bill would also allow the Public Records Advisory Council to recruit and appoint a successful candidate to be Oregon's Public Records Advocate going forward. The law as currently written allows the Council to recruit for and pass along three names to the Governor.

If passed, the bill with the -2 amendment, would broaden the council's authority to use their wide-ranging expertise to weigh in on legislation relating to public records law. This bill also creates a system of electing

council leadership instead of the Advocate acting as de facto chair. Unfortunately, due to two previous Advocates' resignations, it became a priority for the council to establish a clear succession plan for the Advocate's position should it become vacant. The -2 amendment also allows the Advocate to hire staff, and to delegate authority, power, or duty to act.

The council would appreciate your support on this important proposal to ensure the independence of the Advocate and the council's work.

Stephanie Clark

State Archivist and Public Records Advisory Council Chair

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