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Chair Fahey, Vice-Chair Breese-Iverson, Vice-Chair Kropf, and Members of the Committee:

My name is Stephanie Clark and I am the Director of the Oregon State Archives. Enclosed is my written testimony that is submitted into OLIS. HB 2112 would cement the importance of our tribal partnerships in preserving our shared history and would make the Oregon Public Records Law easier for Public Records Custodians to clearly implement.

With the creation of the Tribal Cultural Items Task Force by Governor Brown's Executive Order in 2017, there was a concerted effort to solicit information from state agencies and other public institutions about items within their possession that are associated with Oregon's nine federally recognized tribes. Out of that process, the State Archives hoped to spark conversations between state agency records officers and state agency Tribal Liaisons by requiring Agency Tribal Liaison signoff for records due for destruction out at the Oregon State Records Center. This created a cascading effect throughout agencies, many of which had not had a Tribal Liaison designated up until that point.

At the State Archives, it's our responsibility to not just house and provide access to valuable public records, but to also determine the retention period for each records series. In statute, we are currently required to weigh four values – administrative, legal, fiscal, and historical. Through our work with the Governor's Tribal Cultural Items Task Force, we have learned so much about the ongoing tribal cultural value inherent in many government records. In alignment with Secretary Fagan's full support to create strong and respectful relationships with each Tribal Government, we looked for a way to implement lasting change that will carry on the work of the Task Force.

To that end, the State Archives is proposing this bill to add "tribal cultural value" to the other list of values currently in place when appraising public records for retention. The statute change will codify our current practice of including more in-depth consideration of tribal cultural value when establishing retention periods for government records. State agencies are already required to have a Tribal Liaison, and we have been working with them in areas of records retention and destruction. These changes to the statute could increase visibility for this effort, and in turn lead to greater resources being applied in that direction.

Additionally, HB2112 also includes recommended changes to technical language that we believe will help clarify and prevent future confusion by records custodians. In our work helping government agencies apply Oregon's Public Records Law, we receive feedback about language that can be mis-construed or is out-of-date in its technical language. We hope to increase transparency and access to public records but making the law easier to understand and hopefully apply correctly. We hope to get your support for HB2112.

Thank you,
Stephanie Clark, State Archivist