

# The Register-Guard

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## House Consumer Protection and Government Efficiency Committee

Testimony of Alton F. Baker III on House Bill 2822

March 4, 2013

Chairman Holvey and Members of the Committee:

I am Alton F. (Tony) Baker III, publisher of the *Eugene Register-Guard* and a long-time Board Member and past President of the Oregon Newspaper Publishers Association (“ONPA”). I believe there has been some confusion and miscommunication about ONPA’s position regarding the creation of the Sheriffs’ Association website and I would like to clear that up.

In 2005, legislation passed that would allow notices of the sale of personal and real property on the Internet. I understand this began as an attempt to put notices of the sale of *personal* property on the Internet; those notices had never been published in newspapers, but were required to be physically posted by the Sheriffs in several places in a county. ONPA was not aware of the proposed change regarding notifying a community about the sale of *real* property and did not, therefore, provide opposition to that legislation.

As you may know, that legislation called for the state court administrator to set up a website.

That did not happen and the matter remained moot.

In 2009, the Sheriffs' Association introduced new legislation seeking to let the sheriffs run their own website if a majority of sheriffs approved it. ONPA strenuously opposed that legislation. ONPA effectively succeeded in that opposition because it was able to insist on the requirement that *all* sheriffs agree to the website before it could become operable. Because there was dissention among the sheriffs about the wisdom of this course, which dissention continues, the website did not come into existence.

Although it seems difficult to understand, for a variety of reasons ONPA simply missed the bill introduced in 2011 that again attempted to change the requirement for creating a website to an agreement by a mere majority of the sheriffs. Because of errors, ONPA did not effectively oppose that change, and the legislation passed, resulting in the current statute.

The Oregon legislature has consistently required that effective notice of foreclosures be broadly published throughout a community during virtually all of Oregon's history, since Deady's laws in 1862. In a community, effective notice of foreclosures informs citizens about the extent of financial distress within their community. It provides notice of neighbors who might need help in other ways, and warning against pursuit of financial activities involving persons who are entangled in foreclosure. Significantly, it alerts people in the community of certain properties that become available in a community, including interest in such a purchase and thereby raising sale prices, which in judicial foreclosures that allow deficiencies to be imposed on the homeowner, operate to the direct benefit of that owner. The importance of effective notice of foreclosures has been an unvarying part of Oregon law forever.

ONPA has *never* veered from its position that notice of a serious matter like the sale of judicially foreclosed real property must be provided to a community in a community newspaper and that a government website-*only* system of notice is inadequate and vastly

inferior to notify a community, as I will leave to other testimony to further describe. Like every state in the union, Oregon has developed a well-established public policy that requires adequate community notice of important matters. No change in modern life or technology diminishes that public policy. As I will leave for others' testimony, community newspapers, particularly in conjunction with the online availability of every public notice through the ONPA's existing online website, continue to serve that public policy in a way that the sheriffs' website, *only*, never can. The ONPA has never veered from pointing out this important issue of public policy to Oregon's Legislative Assembly. The adequacy and effectiveness of notice has always been central in Oregon and the analysis of those public policy issues remains clear. Newspapers provide the notice that Oregon requires.

A handwritten signature in black ink, appearing to read "Tony Baker". The signature is stylized and cursive.

Tony Baker  
Editor & Publisher