



From the desk of Carl Wilson

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Public records bill deserves serious consideration: Editorial

The Oregonian Editorial Board By The Oregonian Editorial Board

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The abrupt conclusion of Gov. John Kitzhaber's fourth term this year is as much a story about public records as it is the consequence of arrogance or mishandled conflicts of interest. Records requests submitted prior to last year's election were all but ignored, preventing the release of information many voters would have liked to know. A subsequent edict by a Kitzhaber staffer to destroy a number of his emails was refused by conscientious state employees, and many of those highly informative documents were leaked. Meanwhile, fiancée Cylvia Hayes recently, and unsuccessfully, **requested public dollars** to fund her legal battle to prevent the release of her emails discussing public business.

Whew.

It's hard to imagine a better time for lawmakers to assert their commitment to government transparency and to address obvious obstacles to its attainment. That's why **House Bill 3505**, sponsored by West Linn Rep. **Julie Parrish** and a few fellow Republicans, deserves serious consideration.

Parrish's fellow sponsors are **Knute Buehler** of Bend, **John Davis** of Wilsonville and **Jodi Hack** of Salem. Those who suspect these four are seeking to score partisan points - Kitzhaber is a Democrat, as are leaders in both legislative chambers - should know that Buehler and Parrish represent districts in which Democrats outnumber Republicans. They're hardly conservative firebrands, and, as a group, HB3505's sponsors are decidedly middle-of-the-road. In any case, the transparent operation of government shouldn't be a partisan issue.

What truly distinguishes HB3505 isn't its sponsors, but, rather, its focus, which includes - gasp! - lawmakers themselves. Over the years, the Legislature has imposed a greater transparency burden on state and local government than on its own members. During the legislative session, for instance, senators and representatives need not respond to records requests, a convenient loophole that can prevent their constituents from gaining a timely view of the inner workings of an entire branch of government. This exemption dates back to the 19th century, **Denis Theriault of The Oregonian/OregonLive reported**, and has no compelling justification today. For that reason, HB3505 would eliminate it.

The bill would make a number of other changes to public records law as well. It would lengthen the mandatory retention period of various kinds of records, for instance, and require lawmakers to move such perishable communications as text messages to state servers in a timely fashion.

HB3505 also would speed up the clock by which all public agencies must respond to records requests, making the stall-ball tactic used by

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Kitzhaber's office (and other entities) much more difficult. It also would address another strategy used by public agencies averse to transparency: Price gouging. Existing law allows agencies to establish fees reasonably calculated to cover the cost of filling public records requests. Agencies routinely use this authority to run up cost estimates for the release of records, thereby gutting the spirit of state open-records laws.

HB3505 is a grab bag of reforms, and even a receptive and determined Legislature might not approve every one of them. If nothing else, though, it deserves vigorous debate. It was assigned to the House Rules Committee last week, but has not yet been scheduled for a hearing.

It would be a pity - not to mention a telling statement of lawmakers' priorities - if HB3505 were to languish in obscurity until the end of the session. After all, legislative committees have and will discuss far less weighty matters such as the far-fetched "pay it forward" tuition model and the advisability of penalizing people who park in spaces reserved for juicing up alternative-fuel vehicles.

On Monday, in fact, the House Rules Committee will consider legislation (HB3348) that would designate March 10 of each year as "Mighty Oregon" Day, in recognition of the University of Oregon's fight song. Surely a committee that has time to ponder a college fight song can clear some suitable space in its calendar for HB3505.

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